

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Review Petition No. 214 of 2019**

The Regional Commissioner, Office Of The Regional Commissioner,
Coal Mines Provident Fund Organization, Shanti Nagar, Gupteshwar,
Jabalpur, District Jabalpur, Chhattisgarh

---- Applicant**Versus**

1. Maharathi S/o Shiv Charan, Aged About 58 Years, R/o Village Chhindant, P. S. Churha Colliery, Civil And Revenue District Korea Chhattisgarh
2. South Eastern Coalfields Limited Through Its Chief Managing Director, Seepat Road, P. B. No. 60, Bilaspur, District Bilaspur Chhattisgarh
3. The Sub Area Manager Churha West, South Eastern Coalfields Limited, Baikunthpur, District Korea, Chhattisgarh

---- Respondents

For Applicant	:	Mr. Ravi Ranjan Sinha, Advocate
For Respondents 2 & 3	:	Mr. Akash Shrivastava, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****18.11.2019**

1. So far as default no.1 is concerned, the petitioner is directed to cure the same during the course of the day itself. So far as default nos. 2 & 3 are concerned, on due consideration, the same stands ignored.
2. With the consent of the parties the matter was heard finally.

3. The present review petition has been filed seeking review of the order dated 12.07.2019 passed in WPS No. 4790/2014.
4. The case in brief is that the petitioner in the said writ petition namely Maharathi S/o Shiv Charan was an employee of SECL who stood retired from service in the year 2016. On his retirement, he found that he has been paid less Coal Mines Provident Fund by an amount of Rs.3,79,200/-. On verification, it was found that the said amount was withdrawn against house building advanced loan. The employee Maharathi approached the respondents intimating that he had never applied for any house building advance loan and the said amount being recovered from his CMPF account was bad.
5. An enquiry was conducted and it was found that another employee of SECL namely Santosh Kumar Shrivastava had fraudulently used forged signature of the employee Maharathi for the purpose of withdrawing the said amount from the CMPF account of Maharathi against house building advance loan. An FIR has been lodged against the said Santosh Kumar Shrivastava and an appropriate proceeding has been initiated against him for recovery of the said amount. Meanwhile, the employee Maharathi approached this Court seeking for a direction to the CMPF Office to release an amount of Rs.3,79,200/- which has been allegedly deducted or adjusted at the time of final settlement of CMPF dues.
6. The respondent CMPF Office i.e. the applicant herein, in spite of service of notice, did not enter appearance in the writ petition. The respondent SECL entered appearance and filed their reply categorically denying their responsibility for the alleged payment

made to Santosh Kumar Shrivastava. This Court while disposing of the writ petition held that admittedly the employee has been paid less PF amount to the tune of Rs.3,79,200/- and the employee being not responsible for the said illegal payment made to Santosh Kumar Shrivastava, he should be paid the said amount reserving the right of the CMPF authorities to make such recovery from the said Santosh Shrivastava for adjustment of the fund.

7. The present review petition has been filed by the applicant on the ground that the applicant herein is facing certain practical and administrative difficulties inasmuch as the records pertaining to the employee Maharathi has been transferred to the CMPF office at Bilaspur and in the absence of the records, the applicant is not able to take steps for compliance of the order.
8. This ground that the applicant has raised is not a strong ground for review of the order dated 12.07.2019 passed in WPS No. 4790/2014. The admitted factual matrix of the case as has been enumerated leads us to the conclusion that the employee's PF account was in fact maintained at the office of the applicant in the present review petition. The alleged payment made to Santosh Kumar Shrivastava was also at the level of the applicant. Thus, the employee Maharathi admittedly has been wrongfully denied of his dues of CMPF to the extent of Rs.3,79,200/-. If the applicant establishment has transferred the records to Bilaspur Office, it is the applicant establishment which has to take steps for calling of the records pertaining to the employee from the CMPF Office at Bilaspur. Nothing prevents the applicant making correspondence with Bilaspur Office for calling of the records

for compliance of the directives passed by this Court in WPS No. 4790/2014.

9. What has to be seen is the employee in the instant case stood retired way back in 2016 i.e. for well over three years now he has been deprived of his rightful claim of CMPF. This Court had directed the CMPF Office only to make the loss caused to the concerned employee reserving the right of the CMPF Office for recovering the same from the person who had played fraud. This Court does not see any good reason why the applicant should not honour the directions given by this Court. The practical and administrative difficulties which have been expressed by the applicant are nothing but only actions which have to be taken on their personal level with Bilaspur Office. Hence, Bilaspur Office need not be made a party in the writ petition for the relief sought for by the petitioner in the main writ petition for the simple reason that Bilaspur Office was not the concerned CMPF Office which was responsible in any manner at the relevant point of time for maintenance of CMPF account of the concerned employee.
10. Thus, the present review petition being devoid of merits deserves to be and is accordingly dismissed.

Sd/-
P. Sam Koshy
Judge