

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.4008 of 2016

Date of Decision: 25.07.2019

Sadan Singh @ Sudan Singh & Ors.

... Petitioners

VS.

Shree Bhawani Cotton Mills Ltd. (in liquidation) & Ors. ... Respondents

CORAM: HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Vishal Aggarwal, Advocate for the petitioners

Mr. Rajiv Vij, Advocate for respondent No.1

Mr. Sanjay Tangri, Advocate for respondent No.2

G.S. SANDHAWALIA, J. (Oral)

In the petitioner filed under Articles 226/227 of the Constitution of India the petitioners seek a writ in the nature of mandamus directing respondent No.2 & 3 to release their pension along with arrears and interest as due to them at the earliest.

The case of the petitioners is that they had been working with respondent No.1/company which has gone into liquidation for last many years and had been discharging their services till the time the Mill was functioning. At no point of time previously they had ever quit their services as employees of the company. The company was ordered to be wound up vide order dated 15.07.1999 and the Official Liquidator attached to this Court was directed to take over the possession of the assets and the existing property/assets of the company. Thus it is the claim of the petitioners-workmen that they had contributed to the Provident Fund and thus are entitled to pension as per the Government policy.

The dispute thus has arisen and payment has been withheld on account of the details of the petitioners as there is a discrepancy in the

spelling of their name and/or their parentage etc. on account of which their pensionary benefits have been declined by various communications (P4, P6 and P10 colly).

The stand of respondent No.2-Assistant Provident Fund Commissioner is that in few cases name of the employees or their parentage provided through statutory return is incorrect owing to error on the part of the employer or furnishing of incorrect details by employee to employer. Resultantly, various documents in support of the claim of the petitioners in the form of Pan Card, Voters Identity Card, Passport, Driving Licence, ESIC Identity Card, Aadhar Card etc. and other proofs of identification have been asked for as provided vide Circular dated 02.12.2013 (R-3/1). The discrepancies as such are tabulated as under:-

PF Code	Details as per statutory return	Details as per claim form	If joint request with supporting document submitted
PB/BTI/409/6424	Hari Ram s/o Hari Lal	Harban s/o Husiyar	Not submitted
PB/BTI/409/6314	Amar Singh s/o Vishal Singh	Ajmer Singh s/o Rasal Singh	Not submitted
PB/BTI/409/9616	Hom Singh s/o Bhola Singh	Home Singh s/o Bhola Singh	Not submitted
PB/BTI/409/9021	Lal Singh s/o Rameshwar	Lal Singh s/o Ram Charan Singh	Not submitted
PB/BTI/409/9843	Ram Bachan S/o Keshav	Ram Bachan s/o Keshwar Singh	Not submitted
PB/BTI/409/9259	Mahesh s/o Bahari Lal	Mahesh Baboo s/o Banwari Lal	Not submitted
PB/BTI/409/5804	Sohhdhan Singh s/o Ganda Ram	Sadan Singh s/o Genda Lal	Not submitted

Counsel for the petitioners submits that the petitioners would approach the Official Liquidator and furnish the necessary details who then shall forward the same to respondent No.2 who will process the same and

decide on the claims of the petitioners. No objection has been raised to the procedure so suggested by both the counsels for the respondents.

Accordingly, the writ petition is disposed of with a direction that the petitioners shall submit their details along with relevant proof(s) of identification in terms of the circular (R-3/1) to the Official Liquidator within two months. The Official Liquidator on receipt of the same shall forward the same, within one month thereafter, to respondent No.2, who in turn, shall process the case of the petitioners and release the payment within two months thereafter. In case any of the petitioners as such is to be denied the benefit, speaking order(s) be passed by the competent authority and the same be conveyed to the said petitioner within the stipulated time frame.

Ordered accordingly.

25.07.2019

vvishal

(G.S. Sandhawalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No