

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1204 of 2019

=====

Dinesh Chandra Chaudhary @ Dinesh Chandra, Male, aged about 72 years,
Son of Late Ram Babu Chaudhary, resident of Ward No. 13, Bhagwanpur,
P.S. Bhagwanpur, District- Vaishali. Permanent resident of Awasthighat, P.O.
Digha, P.S. Danapur, District- Patna

... .. Petitioner/s

Versus

1. Bihar State Food and Civil Supply Corporation Limited, Sone Bhawan,
Birchand Patel Path, Patna- 1, through its Managing Director.
2. The Chief of Administration, B.S.F.C.S. Corporation Ltd., Patna.
3. The District Manager, Bihar State Food and Civil Supply Corporation Ltd.,
Bhagalpur.
4. The District Manager, B.S.F.C.S.C. Ltd., West Champaran at Bettiah.
5. The Regional Provident Fund, Commissioner, Employees Provident Fund
Organization, Bhavishya Nidhi Bhawan, R- Block, Road No. 6, Serpentine
Road, Near MLA Flat, Patna- 1.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Ambastha, Advocate
For the BSFCSC	:	Mr. Shailendra Kumar Singh, Advocate
For the EPFO	:	Mr. Satyendra Kumar Jha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 24-06-2020

The matter has been heard *via* video conferencing due
to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Manoj Kumar Ambastha, learned counsel
for the petitioner; Mr. Satyendra Kumar Jha, learned counsel for
the EPFO and Mr. Shailendra Kumar Singh, learned counsel for
the Bihar State Food and Civil Supplies Corporation Limited
(hereinafter referred to as the ‘Corporation’).



3. The petitioner has moved the Court for the following reliefs:

“1. That, this application is being filed for issuance of a writ in the nature of writ of Mandamus for any other appropriate writ, order/direction commanding the Respondents to pay the following:

(I) To pay the arrears of salary due since March-April 1982 to January 2005.

(ii) Total amount of Employee Provident Fund (under contributory Provident Fund Scheme).

(iii) Amount of Leave Encashment.

(iv) Group Insurance Amount.

(v) Any other amount due to the petitioner.”

4. At the outset, learned counsel for the petitioner submitted that he has passed away in January, 2020.

5. Learned counsel for the Corporation, from the counter affidavit filed by him, submitted that the petitioner was dismissed from service on 06.08.2004 and he has not challenged the same. However, with regard to EPF, it was submitted that the petitioner had to fill up the requisite form for the matter to be processed and payment made, which the employee had not done. However, it was submitted that now the heirs of the deceased may complete the formalities and submit the required form to the Corporation. It was further submitted that the Corporation has also sought information from the concerned branches where the petitioner was posted and also details of the contributions made to



EPF by him, which is still awaited. It was submitted that upon the formalities being completed by the heirs, the Corporation would get the matter verified and whatever is due shall be paid to them.

6. Learned counsel for the EPFO submitted that initially the Corporation was an exempted institution and was maintaining its own EPF account governed by a BOT till the year 2003. However, it was submitted that unless the Corporation forwards the amount, in accordance with law, the EPFO is not liable to make any payment.

7. Learned counsel for the petitioner submitted that the heirs of the deceased writ petitioner be permitted to complete the formalities and the Corporation and EPFO be directed to make the admissible payment.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the writ petition stands disposed off with liberty to the heirs of the petitioner to complete the formalities before the Corporation. If the same is done within three months from today, the Corporation shall get the matter verified from its records and branches where the petitioner was posted and also work out the detailed calculation chart and thereafter, act on it in accordance with law.



9. The Corporation shall complete the exercise within three months from the date the heirs of the petitioner complete the formalities and apply in the proper format. If payments are to be made by the Corporation, the same shall also be made within the same period. If not, upon the Corporation forwarding the matter to the EPFO, the EPFO shall be obliged to complete the formalities and make payment within two months from the date of receipt of the amount and calculation from the Corporation.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

AFR/NAFR	
U	
T	

