

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18358 of 2017

1. Drigbindu Kumar Srivastava, Son of Late Shiv Murat Lala, at present resident of Village- Dulhapur, P.O.- Sultanipur, P.S- Cholapur, District- Varanasi.
2. Tribhuwan Singh, Son of Late Chandra Bali Singh, at present, resident of Chandrapurna House, B-116-2, Mohalla- Barij Enclave Colony, Sundarpur, P.S.- Bhpelopor, District- Varanasi.
3. Abul Hasan, Son of Late Maqbul Ahmad, at present resident of Village- Sirbara, P.O.- Fatehpur Sandhat, P.S.- Gosai Ganj, District- Sultanpur U.P..
4. Dhirendra Singh, son of Chandra Deep Singh, at present resident of village P.O.- Kothiyan, via- Jalalpur Bazar, P.S.- Jalalpur, District- Chapra.
5. Ram Lagan Bhakt, Son of Late Tapeswar Bhakt, at present resident of Village- Kathopiya, P.O.- Birhima Bazar, via- Motipur, P.S.- Baruraj, District- Muzaffarpur.
6. Harischandra Tiwari, Son of Late Brij Bihari Tiwari, at present resident of village- Mahaba, P.O.- Padauli, P.S.- Rampur Karkhana, District- Dewariya U.P..
7. Anugrah Narayan Singh, Son of Late Jageshwar Singh, at present resident of Village- Barandi, P.O.- Bahadurganj, P.S.- Katarisarai, District- Nalanda.
8. Md. Hadish, Son of Late Alijan Miyan, at present resident of Village P.O.- Motipur, Fitter Quarter, P.S.- Motipur, District- Muzaffarpur.
9. Kshmapada Bhattacharya, Son of Prafulla Kumar Bhattacharya, at present resident of Village P.O.- Motipur, Fitter Quarter, P.S.- Motipur, District- Muzaffarpur.
10. Balkishun Pandit, Son of Late Janak Pandit, at present resident of Village- Khap Barji, P.O.- Dih Barji, Via- Motipur, P.S.- Motipur, District- Muzaffarpur.
11. Baiju Rai, son of Late Dharam Rai, at present resident of Village P.O.- Motipur, P.S.- Motipur, District- Muzaffarpur.
12. Mangal Tiwari, Son of Late Chandra Tiwari, at present resident of Village- Karmaini, P.O.- Bhelari, P.S. Natwar, District- Rohtas.
13. Farooque Nazim, Son of Haziz Md. Salim, at present resident of Village P.O.- Motipur, P.S.- Motipur, District- Muzaffarpur.
14. Haidar Ali, Son of Late Abul Wahid, at present resident of Village- Semra, P.O.- Belpatiya, Via- Pipra Kothi, P.S.- Turkauliya, District- Est Champaran.
15. Zafrul Hoda Khan, Son of Late Enamul Hoda Khan, at Present resident of Village- Methrapur, P.O. Via- Samastipur, P.S. Samastipur, District- Samastipur.
16. Shivji Singh, son of Late Ram Bachan Singh, at present resident of village- Sadkapur Pahdariya, P.O.- Gostapur, P.S.- Karmuddinpur, District- Ghazipur U.P..
17. Tetar Ram, son of Late Jugeshwar Ram, at present resident of Village P.O.- Motipur, P.S.- Motipur, District- Muzaffarpur.



18. Ram Dev Baitha, Son of Late Manraj Baitha, at present resident of Village-Rasulpur, Juneda, P.O.- Motipur, P.S.- Motipur, District- Muzaffarpur.
19. Narayan Mehtar, Son of Late Jharilal Mehtar, at present resident of Village P.O.Motipur, Near Block office, P.S.- Motipur, District- Muzaffarpur.
20. Asgar Khan, Son of Late Rahim Khan, at present resident of Village P.O.- Motipur, P.S.- Motipur, District- Muzaffarpur.
21. Ravindra Narayan Kunwar, Son of Harinandan Kunwar, at present, resident of Village- Gumla, P.O.- Koilam, P.S.- Kalyanpur, District- Samastipur.
22. Ram Vashishta Prasad, Son of Mahesh Prasad, at present resident of Village P.O. P.S.- Chitwara Gaon, Mohalla- Chiteshwar Nagar, District- Baliya U.P..
23. Rajendra Yadav, Son of Mahadeo Yadav, at present resident of Village-Dhepura, P.O.- Keoti, Ranway, P.S.- Keoti Ranway, District- Madhubani Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Chief Secretary, Govt. of Bihar, Patna.
2. The Bihar State Sugar Corporation Limited through its Managing Director, Camp-New Secretariat, Sugar Cane Industry Department, Vikash Bhawan, Patna-800001.
3. The Managing Director-cum-Cane Commissioner, Bihar State Sugar Corporation Limited, Camp-New Secretariat, Sugar Cane Industry Department, Vikash Bhawan, Patna-800001.
- 3(a) The Chief Administrator, Bihar State Sugar Corporation Limited, Camp-New Secretariat, Sugar Cane Industry Department, Vikash Bhawan, Patna-800001.
4. The Principal Secretary, Sugar Cane Industry Department, Govt. of Bihar, New Secretariat, Vikash Bhawan, Patna-800001.
5. The Commissioner, Employees' Provident Fund Organisation, R-Block, Surpentine Road, Patna.
6. The Regional Provident Fund Commissioner, Employees' Provident Fund Organization, Sub Regional Office, 1st Floor, Surya Complex, Laxmi Chowk, Muzaffarpur-842003.
- 6(a) The Assistant Provident Fund Commissioner, Employees' Provident fund Organisation, Sub Regional Office, 1st Floor, Surya Complex, Laxmi Chowk, Muzaffarpur-842003.
7. The Collector-cum-District Magistrate, Muzaffarpur.
8. The General Manager, Bihar State Sugar Corporation Limited, Unit-Motipur, Muzaffarpur.
9. The Motipur Sugar Factory Employees' Provident Fund (BR- 180 and 983) through its Secretary, Motipur Sugar Unit, Motipur, Muzaffarpur.
10. The President, Motipur Sugar Factory Employees' Provident Fund (BR-180 and 983), Motipur Sugar Unit, Motipur, Muzaffarpur.
11. The Motipur Sugar Workers' Union through its Joint Secretary, Motipur Sugar Unit, Motipur, Muzaffarpur.



12. The President, Motipur Sugar Workers' Union, Motipur Sugar Unit, Motipur, Muzaffarpur.
13. The Joint Secretary, Motipur Sugar Workers' Union, Motipur Sugar Unit, Motipur, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prem Kumar Jha, Advocate Mr. Rajesh Kumar Jha, Advocate
For the State	:	Mr. Abbas Haider-SC-6
For the Corporation	:	Mr. Gyan Shankar, Advocate
For the EPF	:	Mr. Madhav Krishna, Advocate

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 30-06-2020

Heard learned counsel for the petitioners, learned counsel for the Sugar Corporation, learned counsel for the State and learned counsel for the Provident Fund.

In the present case, all the benefits have been paid except the general provident fund amount. On the last occasion, this Court vide order dated 28.05.2020 directed the Sugar Corporation to file a supplementary affidavit within a period of four weeks from today on the following points :

(i) Whether the audit of Provident Fund Trust has been completed?

(ii) Whether the total amount has been transmitted to the office of the District Magistrate concerned?

(iii) The details of the corresponding employees who will be paid the amount.

In the light of the aforesaid query, the Sugar Corporation has filed its supplementary counter affidavit stating therein that audit is under progress and the same is likely to be completed



within a period of two months and, thereafter, the Trust would start making payment to all the employees, such as, seasonal and permanent. Unless the audit process is completed, it is very difficult to know what is the total liability on the Corporation and after knowing the liability, the Trust would start making payment of the provident fund amount and the Corporation assures that all the process will be completed within a period of two months.

Counsel for the petitioner submits that as the Corporation in paragraph 10 of the supplementary counter affidavit has stated that the calculation of PF dues of the petitioners is under process on priority basis, so this Court may direct the Corporation for payment of provident fund amount at the earliest.

This Court only gives direction to the Trust that after calculation of the total amount, it would start making payment of provident fund amount on seniority basis and there should not be any breach of the same and the payment should be made at the earliest along with interest.

In paragraph 10 of the rejoinder, counsel for the petitioners has stated that the petitioner nos. 6, 7, 8, 9, 14, 15 & 16 are getting their respective pension from the Employees' Provident Fund Organization, but rest of the petitioners are not getting any



farthing under that head on account of fact that though they have filed application in Forms 10 (C) & 10 (D) and the same is lying in the office of General Manager of Bihar State Sugar Corporation and he has to transmit the Form 10 (C) & 10 (D) to the office of Provident Fund Organization and only thereafter they will be entitled for pension.

Mr. Gyan Shankar, counsel for the Corporation assures that it will be transmitted to the Provident Fund within a period of four weeks from the date of receipt/production of a copy of this order.

With the aforesaid observations/directions, this writ application stands disposed of.

If any grievance is left with respect to provident fund amount, the petitioners will be at liberty to file a proper application for revival of the present writ application.

(Shivaji Pandey, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	06.07.2020
Transmission Date	N.A.

