

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION***

WRIT PETITION NO. 13637 OF 2018

Dinkar Narayan Rao

... Petitioner

V/s.

The Employees Provident Fund
Organization and Ors.

... Respondents.

Mr. Siddhesh Pilankar i/b. Uday Warunjikar for the Petitioner
Ms. Mohinee Chougule i/b. Suresh Kumar for the Respondents

***CORAM : NITIN JAMDAR &
M.S. KARNIK, JJ.***

DATE : 18 FEBRUARY 2020.

P.C. :-

The Petitioner is aggrieved by the communication dated 22 December 2017 passed by the Assistant Provident Fund Commissioner informing the Petitioner that the request made by the Petitioner for payment of maturity closure of the provident fund account cannot be given to the Petitioner since the Respondent – Organization does not have records.

2. The Petitioner was working as a Supervisor in a private company. According to him he was employed in the year 1965 and he worked on permanent basis till the closure of the company. He contends that he was given a Code and annual statement under the provisions of Employees Provident Fund Scheme. According to the

Petitioner, the company where he was working stopped manufacturing activity and the Petitioner requested the Provident Fund Authorities to look into the grievance of the Petitioner in respect of the provident fund. As stated above, this request has been declined on the ground that these records are old and not available with the Provident Fund Office.

3. We notice that the Petitioner has annexed certain documents to the Petition, which according to the Petitioner demonstrates his entitlement. If the records are not available with the Respondent – Organization, the Respondent can look into the evidence/documents which the Petitioner has annexed to the Petition and if the case is made out by the Petitioner, the Respondent – Organization can always extend the benefit. We do not see that any such application of mind to the evidence produced by the Petitioner has been made by the Respondent – Organization.

4. We direct the Respondent No.1 – Assistant Provident Fund Commissioner to give hearing to the Petitioner and peruse the documents that the Petitioner has in support of his claim and thereupon if the Respondent No.1 is satisfied about the claim, pass necessary orders as per law.

5. Writ Petition is accordingly disposed of.

M.S. KARNIK, J.

NITIN JAMDAR, J.

**Jyoti P.
Pawar**
Digitally signed
by Jyoti P. Pawar
Date: 2020.02.25
14:50:11 +0530