

01.03.2021.
Item no. 30.
Court No.13
ap

**W.P.A. No. 3805 of 2020
(Through Video Conference)**

**Surinder Pal @ Shinda & Ors.
Versus
Union of India & Ors.**

Ms. Nasreen Islam.

...For the petitioner.

Mr. Ranjay De,
Mr. B. Banerjee

...For the respondent nos.1 to 5.

Affidavit-of-service filed today by the Counsel for the petitioners in Court be taken on record.

The writ petitioners claim to be the sons of one Tarsem Lal, who may have worked as a Sarang (Mechanical) Group-I, CTPS in Damodar Valley Corporation.

It is claimed that the petitioners' father has worked since 1952 as a Skilled Khalashi.

There are some documents annexed to the writ application by the petitioners indicating the same. Documents produced indicated that one Trasim Lal had worked in the Damodar Valley Corporation at Bokaro. There are different spellings of the petitioners' father's name mentioned in the documents viz. Trasim, Trashim, Tarsim and Tarsem.

As opposed to this, the alleged Aadhar Card indicates Tarsam Lal is the name. The writ petition discloses a completely different name called 'Tarshim'.

It is stated that the petitioners' father abandoned service in the year 1965.

The first of communication for terminal benefits was made in the year 2008. By a communication dated 10th July, 2009, the Damodar Valley Corporation directed the petitioners to submit documents as regards the employment and engagement of the petitioners' father.

Upon verification of the said document, it was found that the employer had somebody called Tarsem Lal working at a Managerial Level.

The petitioner's father died sometime in the year 2013. The respondents have not been able to trace out any document or evidence of engagement of the petitioners' father with the Damodar Valley Corporation. For the reasons far too obvious the employment record of somebody, who may have worked until 1965 are indeed difficult to trace out even in the year 2009.

Counsel for the DVC submits that the documents annexed to the writ application at the most indicate that the petitioners' father, if at all, was a casual employee and/or work charged employee.

In the above circumstances, the letter of EPF dated 16th July, 2018 is indeed difficult to comply with as is difficult the later communication dated 27th June, 2018 issued by the Under Secretary to the

Government of India, Ministry of Labour and Employment, office of the Chief Labour Commissioner (C).

In view of the above, this Court is unable to grant any relief to the writ petitioners under Article 226 of the Constitution of India.

However, if the petitioners or the Chief Labour Commissioner, Government of India, Ministry of Labour are of the view that the petitioner could prove his claims under the appropriate Statute, a suitable dispute may be raised or referred to the appropriate authorities and if sustainable in law, may be proceeded in accordance with law.

Since no affidavits have been called for by this Court, the allegations in the writ application shall not be deemed to have been admitted by any of the respondents.

With the aforesaid directions, the instant writ application shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order on usual undertakings.

(Rajasekhar Mantha, J.)

