

08.11.2021
Sl. No.143
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 10514 of 2021

Kartick Chandra Pal
Vs.
Union of India & Ors.

Mr. Shuvro Prokash Lahiri
....for the petitioner.
Mr. Sukanta Ghosh
....for Union of India.
Mr. Ujjwal Datta,
....for the respondent nos.2 & 3.

The petitioner retired from services of Bengal Tuberculosis Association, respondent no.4 on 30th June, 2017. The petitioner says that the petitioner's provident fund has not been released by the Regional Provident Fund Authorities, being the respondent no. 3. The petitioner says that the petitioner had made a representation before the Provident Fund Authorities on 24th April, 2021. As no reply was forthcoming, the petitioner has filed the instant writ petition on 20th May, 2021.

Before the writ petition could be effectively heard, the Regional Provident Fund Commissioner-I, Zonal Office, Kolkata, vide a memorandum dated 20th June, 2021 had requested the Competent Authority to resolve the grievances of the petitioner at the earliest.

The petitioner says that if there is an assurance from the side of the respondent nos.2 and 3 that the petitioner's representation will be considered on a time bound manner, the petitioner will not press the writ petition at this stage. The submission on behalf of the petitioner is very fair.

The writ petition is disposed of directing the respondent nos.2 and 3 to dispose of the grievances of the petitioner as enumerated in the petitioner's representation dated 24th April, 2021 (Annexure – "P4" at page 28 of the writ petition) by a reasoned order within a period of six weeks from date after affording the petitioner a reasonable opportunity to represent his case following the prevalent COVID – 19 protocol.

The Competent Authority shall be free to decide all the issues involved including the points raised by the respondent nos.2 and 3 that the petitioner's employer is not covered under any scheme under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 or rules framed thereunder. The order that may be passed shall be communicated to the petitioner within ten days from the date of passing of the same. I also make it clear that I have not gone into the merits of the matter.

Parties including the Competent Authority shall act on the basis of a server copy of this order without insisting upon production of a certified copy thereof.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Arindam Mukherjee, J.)