

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4727 of 2020**

1. Mohan Lal Dewangan, S/o Late Shri Gannulal Dewangan, Aged About 64 Years, Retired From The Post Of Assistant Grade 02, R/o- Room No. 13, Near Samudayik Bhawan, Nehru Nagar, Bilaspur, District- Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through- Secretary, Urban Administration And Development Department, Mahanadi Bhawan, Atal Nagar, District- Raipur, Chhattisgarh
2. The Director (Pension), Urban Administration And Development Department, Atal Nagar District- Raipur, Chhattisgarh
3. Employees Provident Fund Organization Through- Commissioner, Employees Provident Fund Organization, Devendra Nagar Pandri, Raipur, Chhattisgarh
4. Nagar Panchayat, Sirgitti Through Chief Municipal Officer, Nagar Panchayat, Sirgitti, Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Saket Pandey, Advocate.
For State	:	Mr. Vivek Ranjan Tiwari, Addl. A.G.
For Resp. No. 3	:	Mr. Sunil Verma, Advocate on behalf of Mr. Sunil Pillai, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08.12.2020**

1. The grievance of the petitioner in the present writ petition is the inaction on the part of the respondents in not releasing the Provident Fund dues of the petitioner, which he was entitled for on his retirement.
2. According to the counsel for the petitioner, the petitioner was initially an employee of the Madhya Pradesh State Road Transport

Corporation. Subsequent on the creation of the new State of Chhattisgarh, the services of the petitioner stood allotted to the State of Chhattisgarh and his services were given to the Chhattisgarh Infrastructure Development Corporation and while he was working in the Chhattisgarh Infrastructure Development Corporation, the services of the petitioner was placed under deputation in the Urban Administration and Development of the Government of Chhattisgarh where he was posted as Assistant Grade-II. The petitioner working on the said post stood retired on attaining the age of superannuation on 31.10.2018.

3. According to the counsel for the petitioner though more than 2 years have elapsed from the date of his retirement, the petitioner's Provident Fund dues till date have not been settled. He further submits that meanwhile there was a direction to the earlier employer i.e C.I.D.C to transfer the CPF amount in the credit of the petitioner to the Urban Administration Department and which the authorities of CIDC have promptly done in the year 2017 itself i.e., prior to the petitioner retiring from service. Yet the Provident Fund dues have not been settled.
4. Given the said contentions made by the counsel for the parties, this Court is of the opinion that since there is a claim for releasing the GPF amount, the writ petition need not be admitted and kept pending rather ends of justice would meet, if the writ petition is disposed off with a direction to the respondent no. 3 to immediately process the claim of the petitioner in-accordance-with law and settle the E.P.F dues at the earliest, preferably within ninety days from the date of receipt of copy of this Order. The petitioner is also directed to make a

fresh representation to the respondent no. 3 in this regard giving the details of the EPF that he has in his possession.

5. The respondent no. 2 also is directed to look into the grievance of the petitioner; so far as his non-releasing of the Provident Fund amount payable to him is concerned. In case if the amount of the CPF which the CIDC had transferred has not been transferred to EPF the same be done at the earliest and thereafter necessary steps as required be done/taken at the earliest, preferably within the same period.
6. The writ petition, accordingly stands disposed off.

**Sd/-
(P. Sam Koshy)
JUDGE**

Rahul

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCC No. 73 of 2021

Employees Provident Fund Organization **Versus** State of Chhattisgarh and
others

11.02.2021	Mr. Sunil Pillai, counsel for applicant. Ms. Hamida Siddiqui, Dy. A.G. for the State. Mr. Saket Pandey, counsel for respondent no.4. The present MCC has been filed seeking for recalling of the order dated 08.12.2020 passed in WPS No. 4727/2020 or modification to the extent of the liability that has been casted upon the applicant herein i.e. the EPF department. Learned counsel for the applicant submits that in paragraph-4 of the order of this Court dated 08.12.2020, the EPF department had been ordered to process the claim of the respondent no.4-employee so far as the settlement of EPF amount is concerned. Counsel for the applicant took this Court to the correspondence dated 09.11.2018 made from the office of the Nagar Panchayat, Sirgitti to the EPF department seeking for immediate transfer of EPF amount so far as the concerned employee i.e. respondent no.4 herein namely Mohan Lal Dewangan is concerned. The Nagar Panchayat while making the request had also provided Bank Account No. 53015397723 with IFSC Code SBIN0030172 in which the amount had to be transferred. Pursuant to the said correspondence, the EPF department vide order dated 14.02.2019 has

made a communication to the Joint Director, Directorate, Urban Administration and Development informing that as per their request, the entire EPF fund of employee Mohan Lal Dewangan stands transferred to the account number mentioned in the request made by the Nagar Panchyat i.e. A/c No. 53015397723 as early as on 28.01.2019 and the amount transferred was Rs.9,85,817/-.

At this juncture, learned counsel for the EPF department submits that the concerned employee also is entitled for pension from the EPF department and subject to the employee fulfilling the requisite formalities by moving an appropriate application/claim through his employer, the same shall be processed and appropriate proceedings shall be finalized so far as releasing of pension is concerned.

Given the aforesaid facts and circumstances of the case, since the amount of EPF contribution of the employee already stood deposited with the office of the Joint Director, Urban Administration and Development, the further course of action has now to be taken by the respondent no.2.

Accordingly, the order dated 08.12.2020 passed in WPS 4727/2020 now stands modified to the extent that the direction for releasing the admissible EPF dues payable to the employee i.e. respondent no.4 herein should be paid by the respondent no.2 on due scrutiny of the entitlement of the employee at the earliest preferably within a period of 45 days starting from today.

As regards the pensionary relief, liberty is left open for the employee i.e. respondent no.4 to get his application/claim routed through his

employer to the EPF department and the same shall be processed by the EPF department at the earliest.

The MCC accordingly stands allowed and disposed of.

Let a copy of this order be made part of WPS No. 4727/2020.

(P. Sam Koshy)
JUDGE