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19.04.2022
Ct. No.10
b.das

WPA 5706 of 2022

Sunil Kr. Dutta

Vs.

The Regional Provident Fund Commissioner & Ors.

Mr. Suvadip Bhattacharjee

Mr. Balaram Patra ...for the petitioner.

Ms. Debjani Ghosal

...for the respondent Nos.1 & 2.

Affidavit of service filed on behalf of the petitioners is taken on record.

None appears for the 3rd respondent despite service.

Heard learned counsels for the parties.

The petitioner who is presently an octogenarian, superannuated from service on 1st July, 2000 and had received his provident fund and gratuity dues.

The petitioner applied before the employer for starting his pension on several occasions, which was not heeded to by the 3rd respondent. The petitioner ultimately submitted an application in Form 10D of the Employees' Pension Scheme, 1995 accompanied by a letter dated 10th January, 2022, which was also not considered or forwarded to the provident fund authority. A further request was sent by the petitioner before the authority on 4th February, 2022 requesting the authority to forward the application in Form 10D to the provident fund authority.

It is submitted on behalf of the petitioner that the authority may be directed to forward the application in

Form 10D to the provident fund authorities for grant of pension in favour of the petitioner.

The petitioner further undertakes to refund the onetime provident fund received by the petitioner on superannuation along with interest thereon.

Upon consideration of the submissions made on behalf of the parties, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the applications submitted by the petitioner on 10th January, 2022 and 4th February, 2022 and forward the application in Form 10D before the provident fund authority, after giving reasonable opportunity of hearing to all the interested parties including the petitioner in accordance with law. Such exercise is expected to be completed within one month from the date of communication of this order upon compliance of the undertaking given by the petitioner.

With the above observations and directions this writ petition being WPA 5706 of 2022 is disposed of.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)