

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 477 of 2019

Janaki Devi

....

Appellant

M/s. Subhransu Bhusan Mohanty, Advocate & Associates

-versus-

***Managing Director, Odisha State Road
Transport Corporation, Bhubaneswar
and others***

....

Respondents

Mr. Radharaman Das Nayak, Advocate
For Respondent Nos.1 & 2

**CORAM:
THE CHIEF JUSTICE
JUSTICE M.S. RAMAN**

**ORDER
16.11.2022**

Order No.

06. 1. The challenge in the present writ appeal is to an order dated 9th September, 2019 passed by the learned Single Judge dismissing the Appellant's W.P.(C) No.15816 of 2019. The writ petition had been filed for quashing of an order dated 14th May, 2019 passed by the Regional Provident Fund Commissioner (RPFC) dismissing the claim of the Petitioner.
2. In fact, it was the second round of litigation before the learned Single Judge. Earlier, the Appellant had filed a W.P.(C) No.24668 of 2017 which came to be disposed of by the learned Single Judge on 5th December, 2017 with a direction to dispose of the representation filed by the Appellant. The said representation dated

31st January, 2018 was disposed of by the RPFC, Employees' Provident Fund Organization, by the impugned order dated 14th May, 2019 noting that the husband of the Appellant had retired from service of the OSRTC on 18th May, 1992 and expired on 15th August, 1992 prior to implementation of the Employees' Pension Scheme, 1995 (EPF Scheme).

3. As regards the earlier Family Pension Scheme of 1971 which was in force with effect from 1st April 1971, since the husband of the Appellant had not opted for it, no contribution was diverted and deposited in the said scheme during the period of his employment. As far as the EPF scheme was concerned, both the employee's share and the employer's share of the PF contribution were settled on 23rd June, 1992.

4. The above factual basis was noted by the learned Single Judge in the impugned order. It has been noted further that "neither any document nor any evidence has been produced by the Petitioner's counsel or by the Petitioner herself, nor a pleading is available on record" to show that the husband of the Appellant had opted for the Family Pension Scheme, 1971 during the period of his employment. This being a purely factual matter and with no material to the contrary being placed before either the RPF or the learned Single Judge, or even this Court, the Court is unable to come to a different conclusion from that reached by the learned Single Judge.

5. No grounds have been made out for interference with the impugned order of the learned Single Judge. The appeal is accordingly dismissed.

(Dr. S. Muralidhar)
Chief Justice

(M.S. Raman)
Judge

S. Behera

