

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.32018 of 2022

Balaram Sahoo and others

.... Petitioners
Mr. B. Barik, Advocate

-versus-

***The Regional Provident Fund
Commissioner, Bhabisyanidhi
Bhawan, Janapath, Bhubaneswar
and another***

.... Opposite Parties
Mr. A. Mohanty, Advocate
(For O.P. No.1)

CORAM:
JUSTICE A.K. MOHAPATRA

ORDER
09.12.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard Mr. B. Barik, learned counsel for the Petitioner as well as Mr. A. Mohanty, learned counsel for the Opposite Party No.1-The Regional Provident Fund Commissioner, Bhubaneswar.
3. The present writ petition has been filed by the Petitioner with the following prayers:-

“It is therefore prayed that this Hon’ble Court may kindly graciously be pleased to admit this Writ Petition, issue notice to the opp. Parties and after hearing from both the parties issue direction(s) to the Opp. Party No.2 to deposit the E.P.F. contribution of the petitioners along with employer share and administrative charges before the opp. Party No.1 for the period w.e.f. their initial engagement to 30.4.1991 and 01.01.2000 to 30.06.2000 of the petitioners to regularize the EPF account of the petitioners and grant pensionary benefits in favour of the petitioners.

And/or further prayed in case the Opp.

Party No.2 fail to deposit the EPF dues, then issue appropriate direction to the opp. party No.1 to initiate a proceeding under the provisions of E.P.F. & MP Act to realize the amount as due and admissible under the provisions of EPF Act & Scheme to regularize the EPF account of the petitioners for the period w.e.f. their engagement to 30.4.1991 and 01.01.2000 to 30.06.2000 of the petitioners to regularize the EPF account of the petitioners and grant pensionary benefits in favour of the petitioners so that the pensionary benefits extended in favour fo the petitioners.

And pass any other order/orders which lordship deem fit and proper for the interest of the petitioners and justice.”

4. It is submitted by learned counsel for the Petitioner that although the Petitioner has filed representation before the Opposite Party No.1 under Annexure-3, but the same is still pending before the said Opposite party and the said Opposite Party has not taken any decision as of now.

5. learned counsel for the Opposite Party No.1-The Regional Provident Fund Commissioner, Bhubaneswar submits that he has no objection, if a direction is given to the authority concerned to consider the representation of the Petitioner in accordance with law within a stipulated period of time.

6. Considering the submissions made by the respective parties and without expressing any opinion on the merits of the case, this Court disposes of the writ petition at the stage of admission with a direction to the Opposite Party No.1 to consider and dispose of the representation of the Petitioner under Annexure-3 in accordance with law by passing a speaking and reasoned order within a period of eight weeks from the date of production of certified copy of this order and

the decision so taken thereon be communicated to the Petitioner within two weeks thereafter.

7. Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge

Debasis

