

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.6446 OF 2022

**DATTATRAYA VYANKATESH ALIAS VENKAT GANDALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
PRINCIPAL SECRETARY AND OTHERS**

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Advocate for the Petitioner : Shri Tripathi Manish P.
AGP for Respondent 1 : Shri S.G. Sangle
Advocate for Respondent 2 : Shri Nitin K. Chaudhari

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**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 10th October, 2022

Per Court :-

1. The petitioner has put forth prayer clauses B and C
as under:-

- B) To hold and declare that, petitioner is eligible and entitled for grant of pension being member of Provident Fund Pension Scheme, framed as per the provisions of the Employees Provident Funds and Miscellaneous Provisions Act, 1952.*
- C) The respondent No.2 and 3 may kindly be directed to process the pension papers of the petitioner under the Provident Fund Pension Scheme framed under the Employees Provident Funds and Miscellaneous Provisions Act, 1952 and grant pension to the petitioner.”*

2. The petitioner was terminated from employment on

17.02.1992. He claims to be working as a Clerk with respondent No.3 and was confirmed in service on 01.10.1985. Vide the judgment dated 25.11.1994, the Labour Court allowed Complaint (ULP) No.399/1993 and directed his reinstatement in service without backwages. The Management approached the Industrial Court in Revision (ULP) No.110/1994 and by judgment dated 17.04.1995, the revision was dismissed. The petitioner/workman preferred Writ Petition No.2708/1999 for full backwages, which was dismissed by the learned Single Judge Bench on 16.01.2009. Subsequently, Writ Petition No.3321/1995 preferred by the Management was also disposed off on 14.08.2015.

3. The issue that the petitioner has now raised is about the claim for pension.

4. The learned advocate representing the Provident Fund authorities submits that as per their records, the petitioner had worked for only three years.

5. We have perused the compromise between the petitioner and his employer dated 19.09.2020 wherein, the term-A indicates that the petitioner has been paid an amount of Rs.9.50 lacs towards all dues mentioned in the judgment of the

Industrial Court and towards all benefits of service. He undertook not to claim any amount or interest from the employer and he would not file any proceeding, complaint, appeal or writ on any cause of action.

6. The learned advocate for the Provident Fund authorities submits that since the issue of pension has been raised by the petitioner, the authorities have addressed the employer industry vide the communications dated 25.10.2021 and 17.02.2022 seeking details of the service record of the petitioner and as regards the provident fund contributions. Nothing is forthcoming from the employer.

7. Considering the above, this Writ Petition is disposed off.

8. We do not have to remind the Provident Fund authorities that they have ample powers under the Employees Provident Funds and Miscellaneous Provisions Act, 1952 to ensure compliance of the provisions of the Act and they are at liberty to initiate an action as is prescribed by law by following the due procedure insofar as the employer industry is concerned.