

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5611 of 2015

Ramphal Paswan Son of Shri Sheo Paswan, Village- Dhiwarchak, P.S.- Pandarak, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary Bihar.
2. The Deputy Registrar, Society Registration, Bihar, Patna.
3. The E.P.F. Commissioner, Employment Provident Fund, Bihar Range, Patna.
4. The Secretary, Department of Finance, Bihar Government, Patna.
5. The Labour Commissioner, Department of Welfare, Government of Bihar.
6. The Deputy Labour Commissioner Department of Welfare, Government of Bihar.
7. The District Magistrate, Patna.
8. The District Magistrate, Nalanda.
9. The District Magistrate, Vaishali.
10. The District Magistrate, Jehanabad.
11. The District Magistrate, Jamui.
12. The District Magistrate, Khagaria.
13. The District Magistrate, Munger.
14. The District Magistrate, Muzaffarpur.
15. The District Magistrate, Nawadah.
16. The District Magistrate, Saharsha.
17. The District Magistrate, Samastipur
18. Mr. Jose Vadasari, son of Late Joseph, the then so called Director, Bihar Dalit Vikas Samiti, Bihar, Patna.
19. Mr. Pieus Michel @ Prashant Kumar, Son of Michel Peter Osta, the then so called Assistant Director Bihar Dalit Vikas Samiti, Bihar, Patna.
20. Mr. Anto Jospeh, son of Joseph Karain, the so called present Director Bihar Dalit Vikas Samiti, Bihar, Patna.
21. Mr. Martin Soren, the so called present Assistant Director, Bihar Dalit Vikas Samiti, Bihar, Patna for respondent no. 20 o 23, resident in the campus of St. Xevier School, West Gandhi Maidan, Patna.
22. Bihar Dalit Vikash Samitee Malahipakari, Barh, Patna, Bihar.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Binod Pd. Singh
For the EPFO : Mr. Prashant Sinha
For the State : Mr. Mithilesh Kumar Upadhyay, AC to GP 3

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

5 19-01-2023 Heard learned counsel for the parties concerned.

2. The prayer of the petitioner is for a direction to Respondent No. 1 to hold an inquiry either by himself or through the Vigilance/CBI for the fraudulent act done by the Respondent Nos. 18, 19 & 21. Learned counsel for the petitioner submits that Respondent Nos. 18, 19, 21, who are the office bearer of Bihar Dalit Vikas Samiti has mismanaged the provident fund and EFP and has committed other illegalities and irregularities in the funds of the Samiti.

3. Learned counsel for the EPFO submits that though the Respondent No. 22, Bihar Dalit Vikas Samiti, Malahipakari, Barh, Patna was exempted from the provisions of the Employees Provident Fund and Miscellaneous Provisions Act since 2005 to 2015, the establishment kept on depositing the contribution of the employees regularly and even after the withdrawal of exemption, the contribution of the employees is



being deposited regularly and without any delay.

4. The petitioner has been removed from the service of the establishment i.e. Respondent No. 22 and in retaliation the petitioner has filed the present writ application for holding an inquiry stating the alleged irregularities and illegalities in the Annexure-3 series i.e. the representation filed by the petitioner before the Deputy Registrar, Society Registration Act.

5. Having heard learned counsel for the parties and taking into consideration the fact that the EPF contribution of the employees is being deposited regularly by the establishment in question no inquiry can be ordered by this Court, in view of the facts and circumstances of the case.

6. At this juncture, learned counsel for the petitioner submits that he joined in the establishment as Clerk in the year 1985 and his services was terminated by the establishment/Respondent No. 22 on 09.05.2001 but the EPF amount has not been paid to the petitioner. Learned counsel for the EPFO submits that the petitioner may raise his claim before Regional Provident Fund Commissioner, Patna which will be considered and decision will be taken in accordance with law.

7. In view of the aforesaid, let the claim be raised by the petitioner for payment of his EPF dues, if the same has not



been paid, before the competent authority, who will consider the
claim of the petitioner in accordance with law.

(Anil Kumar Sinha, J)

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