

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 7314 of 2023

Gopal Kumhar

Vs.

The Regional Provident Fund Commissioner & Ors.

Mr. Purnasish Gupta

Mr. Jayanta Mukherjee

... For the petitioner.

Mr. Radhamohan Ray

... For the provident fund authorities.

Mr. Ranjay De

Mr. Basabjit Banerjee

... For the respondent no.4.

1. The present writ petition has been filed, *inter alia*, praying for a direction upon the provident fund authorities to settle the dues of the petitioner relating to his provident fund and pension.

2. It appears that the petitioner was an employee of Tata Oil Mill Company Limited (TOMCO). It is the further case of the petitioner that TOMCO was closed down and the petitioner and other employees employed at TOMCO were transferred to Kalyani Soap Industries Ltd., being the respondent no.3 herein, since May, 1992. Unfortunately, the said Kalyani Soap Industries Ltd. had also closed down in the year 1998.

3. Mr. Gupta, learned advocate representing the petitioner by drawing attention of this Court to an application in Form 10-C, at page 15 of the writ petition,

submits that notwithstanding the petitioner making an application in the year 2001, no steps have been taken by the respondents to settle the pension in favour of the petitioner.

4. Mr. Ray, learned advocate representing the provident fund authorities, had previously sought for time to take instructions in the mater. Subsequently, since it was submitted on behalf of the provident fund authorities that some more time was required to settle the dues of the petitioner, this Court had by order dated 15th May, 2023 permitted the provident fund authorities to file a report in the form of an affidavit, disclosing therein all documents relating to the provident fund and pension claim of the petitioner. Unfortunately, despite obtaining two extensions, no such report has been filed.

5. However, taking into consideration the fact that an application has already been filed by the petitioner in Form 10-C, although the same has been disputed by the learned advocate representing the provident fund authorities, I am of the view that no fruitful purpose will be served by keeping the writ petition pending. As such, by avoiding all controversy at this stage, it would be prudent to direct the petitioner to make an appropriate representation with the respondent no.2.

6. If such representation is made within a period of four weeks from date, the respondent no.2 shall hear out

and dispose of the petitioner's representation after giving the petitioner an opportunity of hearing and by passing a reasoned order.

7. It is, however, made clear that while disposing of the representation, if the respondent no.2 is of the opinion that the petitioner is required to make any other application, he shall duly intimate the same to the petitioner for the petitioner to take appropriate steps so that the family pension can be disbursed in his favour, provided the petitioner is entitled to the same. The entire exercise must be completed within a period of eight weeks from the date of receipt of the petitioner's representation by the respondent no.2. All parties are directed to cooperate for completion of the aforesaid process.

8. With the aforesaid observations/directions, the writ petition stands disposed of.

9. Since, I have not called for any affidavits, allegation made in the writ petition are deemed not to have been admitted by the respondents.

10. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Raja Basu Chowdhury, J.)