

22.09.2023.
Item No.28
Court No.550
Saswata

W.P.A.16346 of 2023
Dibakar Sarkar
Versus
The Union of India & Ors.

Mr. Bikash Shaw

...For the petitioner

Mr. S.C.Prasad

...For the PF authorities

Ms. Aparna Banerjee

...For the PF authorities

Ms. Amrita Pandey

Ms. Anamika Pandey

Mr. Ghanshaym Pandey

Ms. Sneha Singh

...For the private respondents

1. The present writ petition has been filed, *inter alia*, praying for release of provident fund and pension in favour of the petitioner.
2. The aforesaid application was heard along with WPA 18746 of 2023 (hereinafter referred to as the “said Application”). In the said application Delta Ltd. has been referred to as the company while the Trustees of Delta Jute and Industries Ltd., Workers P.F., have been referred to as the trustee. By a detailed order the said application has been disposed of by, *inter alia*, observing as followed:

“Although, the company having resisted the implementation of the order of cancellation is equally responsible with the trustees to implement the provisions of the said Act, insofar as transfer of accumulated provident fund contributions to the Provident Fund Authority, however, having regard to the stand taken by the company and the trustees as aforesaid and taking note of the order dated 17th December 2014 which has now reached

finality, by reasons of dismissal of the writ application by order dated 7th June 2023, I am of the view that no fruitful purpose would be served by granting an extension to the company or the trustee to file the report, as I propose to dispose of the writ petition by the following order.

I direct the Trustees and the Company to forthwith comply with the provisions of Section 17(5) of the said Act and transfer the entire amount lying with the trustees to the Regional Provident Fund Commissioner, Howrah Regional Office, along with the returns and the investment statement. The trustees and the company are directed to extend full cooperation to the enforcement officers of the provident fund authority and assist the auditors appointed by the provident fund authority in carrying out the third party audit as proposed by the provident fund authority. The aforesaid process of transfer of the trust fund to provident fund authority should be completed within a period of four (4) weeks from the date of communication of this order. The provident fund authority is directed to accept the same without prejudice to its claim. The Company, trustees and the provident fund authority should also ensure compliance of the aforesaid direction within the time specified herein.

Insofar as the petitioner's claim is concerned, since, the trustees and the company have already admitted the claim of the petitioner, I am of the view that the provident fund authority, which is otherwise obliged, should be directed to process the petitioner's claim and disburse the provident fund accumulations payable the petitioner, as ex-employees of the said company, subject to verification by the Regional Provident Fund

Commissioner, Howrah. In the process of verification of the petitioner's claim, if any document/ application is required or needs to be executed by the petitioner, the same shall be communicated in writing to the petitioner, for him to comply with, and in such process the provident fund authority shall render full and complete assistance to the petitioner for complying with formalities, as and when required. The aforesaid process of disbursement of provident fund accumulations along with interest should be completed within a period of eight (8) weeks from the date of communication of this order.

*With the above directions and observations, the writ petition being WPA 18746 of 2023 is accordingly **disposed of**.*

The other writ petitions being (item nos. 7 to 50 of today's list) pending before this Court, involving similar questions, shall be governed by the observations and directions made in this order.

The provident fund authority shall be obliged to process the respective applications of the petitioners in item nos. 7 to 50 of today's list being WPA 13938/2023, WPA 13941/2023, WPA 13944/2023, WPA 13948/2023, WPA 13950/2023, WPA 16181/2023, WPA 16184/2023, WPA 16311/2023, WPA 16312/2023, WPA 16313/2023, WPA 16314/2023, WPA 16315/2023, WPA 16316/2023, WPA 16318/2023, WPA 16335/2023, WPA 16337/2023, WPA 16339/2023, WPA 16341/2023, WPA 16342/2023, WPA 16343/2023, WPA 16345/2023, WPA 16346/2023, WPA 16348/2023, WPA 16349/2023, WPA 16350/2023, WPA 16351/2023, WPA 16353/2023, WPA

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 16359/2023, WPA 16361/2023, WPA
 16363/2023, WPA 16385/2023, WPA
 16406/2023, WPA 16408/2023, WPA
 16410/2023, WPA 16767/2023, WPA
 16770/2023, WPA 16783/2023, WPA
 16784/2023 and WPA 19119/2023 in the
 same mode and manner as directed in this
 case and should complete the process within
 the time specified herein by taking a decision in
 this matter and affecting actual disbursement of
 funds.

*Insofar as the claim for pension is
 concerned, it shall be for the provident fund
 authority to process the same with the aid and
 assistance of the trustee and the company, who
 shall be bound to render all assistance.
 Necessary pension payment orders shall be
 issued, if the respective petitioners are found
 eligible, alternatively, to communicate the
 reasons for rejection. Such process must also be
 completed within the time specified
 hereinabove.”*

3. Having regard to the aforesaid and since the Provident Fund Authority is obliged to process the petitioner's application, the present application is accordingly disposed of in terms of the order passed in WPA 18746 of 2023 on 22nd, September, 2023.
4. There shall, however, no order as to costs.
5. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon completion of requisite formalities.

(Raja Basu Chowdhury, J.)