

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4593 of 2023

1. Shambhu Shankar Upadhyay Son of Bhaiya Chand Madan Upadhyay, Resident of Bimla Bhawan, Harishchandra Stadium, Police Station-Nawada, District Nawada.
2. Gajendra Pratap Son of Sheo Shankar Prasad Resident of Village-Dowadih, Police Station Sheikhopur Sarai, District-Sheikhpura.
3. Niraj Kumar Son of Hriday Nandan Sharma Resident of Mohalla New Godown, Lane, Gaya, Police Station-Kotwali, District-Gaya.
4. Rakesh Kumar Lohani Son of Vijay Prasad Resident of Mohalla Janta Colony Bairagi Gaya, Police Station-Delha, District Gaya.
5. Vinay Kumar Son of Navin Prasad Resident of Village-Thalposh, Police Station Pakribarawan, District-Nawada.
6. Parveen Kumar Son of Hare Krishna Ravidas, Resident of Village-Kodana Bigha, Police Station Asthawan, District-Nalanda.
7. Arti Kumari Daughter of Kashinath Tiwari, Wife of Pushpendra Kuamr Ojha Resident of Village-Paigambarpur, Police Station -Buxar, District-Buxar.
8. Manoj Kumar Son of Sahdeo Yadav Resident of Village-Hanuman Ganj, Police Station Ariyari, District-Sheikhpura.
9. Kumari Pushpa Chandra, Wife of Manoj Kumar Thakur, Resident of Neem Pokhar, P.S. Kabirabad, District-Darbhanga.
10. Rinku Kumari Wife of Sushil Sah Resident of Village Dekuli Chatti, P.O. Kapachhahi, P.S. Bahadurpur, District-Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director, Integrated Child Development Scheme (I.C.D.S.) Social Welfare Department, Government of Bihar, Patna.
3. The Principal Secretary Social Welfare Department, Government Bihar, Patna.
4. The Principal Secretary, General and Administrative Department, Bihar, Patna.
5. The Principal Secretary, Finance Department, Government of Bihar, Patna.
6. The Central Provident Fund Commissioner, Employees Provident Fund Organization, E.P.F.O. Head Office, New Delhi.
7. The Additional Central Provident Fund Commissioner, Employees Provident Fund Organization, Bihar-Jharkhand, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prabhas Ranjan, Adv.
For Respondent Nos.6&7: Mr. Madhav Krishna, Adv.



For the Respondent/s : Mr. S.K. Mandal (Sc3)
: Mr. Arjun Prasad, AC to SC3

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

7 19-09-2024 Heard the learned counsel for the parties.

The present writ petition has been filed for the following reliefs:-

“(A) A Mandamus commanding the respondents to give the benefit of Employees Provident Fund (E.P.F.) to the petitioners from the date of their joining.

(B) A Mandamus commanding the respondents to allot the contribution of E.P.F. of the petitioners from the date of their joining.

(C) Any other relief or reliefs for which petitioners may be found entitled to in the fact and circumstances of the present case may be granted to him.”

3. It is the case of the petitioners that they have been admitted to the Provident Fund (PF) from the date of opening of the account i.e., 01.04.2019 instead of from the date of joining of the services by the petitioners.

4. Learned counsel for the petitioners has stated that based on the letter issued by the Director of ICDS i.e., respondent No. 2 vide letter dated 09.09.2021, the petitioners were admitted to the Provident Fund Act from the date of opening the account. That thereafter, the Director ICDS i.e.,



Respondent No. 2 vide letter dated 02.08.2024 bearing No. ICDS/10010/01-202153/Mu (Annexure-R/E) has directed all the District Programme Officers to take necessary steps for admitting the petitioners from the date of joining the services and see that the contributions are deducted/deposited accordingly. Learned counsel has therefore, prayed this Hon'ble Court to direct the authorities to take necessary steps for admitting the petitioners to the PF from the date of joining the services and necessary deductions and contributions may be directed to be deposited by the employee and employers respectively.

5. In the counter-affidavit filed by the respondent Nos. 6 & 7 at Para 13, it is stated as under;

“The date of coverage is with effect from the date, which was mentioned in their respective application form submitted by the concerned establishment. As far as date of coverage is concerned, the establishment must make bonafide submission in this regard to the concerned EPFO, R.O. Patna, EPFO, R.O. Muzaffarpur and EPFO, R.O. Bhagalpur and the date of coverage may be changed accordingly after verification, if required.”

6. Having regard to the above made averment in the counter-affidavit of the respondent Nos. 6 & 7 and also the letter dated 02.08.2024 bearing No. ICDS/10010/01-202153/Mu (Annexure-R/E) issued by the Director, ICDS i.e., respondent



No. 2 (Annexure-R/E), the respondents are directed to take necessary steps for admitting the petitioners to the PF from the date of joining the services. The respondent/ICDS shall make necessary contributions to the EPF as and when intimated by the EPF authorities. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the present CWJC stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

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