

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15102 of 2023

1. Rahul Kumar Singh Son of Late Shri Satendra Kumar Singh, Resident of Village- Dharauli, P.O.- Dharauli, P.S.- Bagen Gola, District- Baxur, Bihar, Presently Residing at H-142, K.S. Nagar, Nangloi- Nazafgarh Road, Delhi-110041.
2. Vijaya Singh, Daughter of Late Shri Satendra Kumar Singh, Resident of C-7A, Ground Floor, Pocket C, Gangotri Enclave, Alanknanda, Delhi-110019.
3. Poonam Devi, Wife of Late Shri Satendra Kumar Singh, Resident of Vindhyavasni Colony, Girja Mor, Ara, District- Bhojpur, Bihar.
4. Esha Singh, Daughter of Late Shri Satendra Kumar Singh, Resident of Vindhyavasni Colony, Girja Mor, Ara, District- Bhojpur, Bihar.
5. Muskan, Daughter of Late Shri Satendra Kumar Singh, Resident of Vindhyavasni Colony, Girja Mor, Ara, District- Bhojpur, Bihar.

... .. Petitioner/s

Versus

1. The Union of India through Chief Secretary, Ministry of Labour and Employment, Government of India, New Delhi.
2. The Employees Provident Fund Organization, through its Chairman, Bhikaji Cama Place, New Delhi.
3. The Regional Provident Fund Commissioner, EPFO Zonal Office, Bhavishya Nidhi Bhawan, R.- Block, Patna- 800001.
4. The Cooperative Department, Government of Bihar, Patna.
5. The Managing Director, Central Cooperative Bank Ltd., Ara, District- Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar
For the Respondent/s : Mr. Uday Shankar Sharan Singh (Gp 19)

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

2 31-01-2024 Heard the learned counsel for the parties.

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

*“A. For issuing the Writ of Mandamus
and such other writ in the nature of mandamus
directing the Respondent No. 1 to accept the claim
of the Petitioner no. 01 for PF amount, Insurance
Amount & Pension amount resubmitted vide letter
dated 07.11.2022 and disburse the amount standing
credit in the Provident Fund Account no.*



100340285354 of Late Shri Satendra Kumar Singh, the insurance amount and other Terminal Benefits standing credit in Account no. 100340285354 of Late Shri Satendra Kumar Singh to / in favour of his sole nominee, being his son, Mr. Rahul Kumar Singh along with interest @ 8% and inflation adjustment @ 7% for 6 years in favour of the Petitioner within 1 month from the date of disposal of the present petition;

B. Issue a writ of mandamus or any other appropriate writ inter alia directing the Respondent no. 03 not to harass the Petitioner and formalities necessary to ensure disbursement may be completed within 2 weeks from the date of disposal of the present petition;

C. Issue further direction to Respondent No. 3 to compensate the damages caused due to delay in disbursing the above mentioned claims to the tune of Rs. 10,000,00 in addition to the total amount of claims along with litigation cost.

D. May pass any other order(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."

3. Learned counsel appearing on behalf of the petitioners has stated that the father of the petitioners namely, Satendra Kumar Singh died on 23.12.2016 and thereafter, the petitioners have been making the rounds of the respondent-EPFO for payment of the provident fund dues, however till date the authorities on one excuse or the other are not paying the amounts due under the Provident Fund Account of his late father Satendra Kumar Singh. Learned counsel for the petitioners has stated that the present writ petition has been filed by all the legal heirs of the late Satendra Kumar Singh and there is no dispute inter-se between the petitioners. Learned counsel has also stated



that in the nomination given by the late father of the petitioners, the name of the petitioner No. 1 has been given with the 100% amounts to be paid to the petitioner No. 1. Learned counsel has therefore, sought a direction from this Hon'ble Court to direct the Employees Provident Fund Organization (EPFO) to pay the amounts due to the petitioners as expeditiously as possible.

4. *Per contra*, learned counsel for the respondent-Organization has stated that the authority has no objection for payment of the amounts due to the petitioners and in order to facilitate the same, they have sought some clarifications from the Central Cooperative Bank i.e. respondent No. 5 herein. Learned counsel for the respondents has drawn the attention of this Court to the letter written on 30.11.2023 (Annexure/R-1) to the respondent No. 5 and stated that as soon as they get the clarifications from the Central Cooperative Bank, they are ready to pay the amounts due. Further, it is stated by the counsel that there are two accounts in the name of Satendra Kumar Singh one belonging to the late father of the petitioners and other belonging to some other person and due to the said confusion only they are asking clarifications from the Bank.

5. Learned counsel for the petitioners in reply has stated that the clarifications sought for by the respondent-



Organization have already been clarified by the Cooperative Bank on 09.09.2021 (Annexure/P-4) and stated that the authority need not wait for any further clarifications from the Cooperative Bank. Learned counsel has therefore, prayed this Hon'ble Court to allow the present writ petition.

6. Admittedly in the present case, the authorities have taken a stand that they have no objection for paying the due amounts to the petitioners herein and to that effect they are willing to settle the account as expeditiously as possible and to that effect they have written a letter to the Cooperative Bank i.e. respondent No. 5.

7. A perusal of the letter dated 30.11.2023 (Annexure/R-1) written by the EPFO to the Managing Director, Central Cooperative Bank reveals that some clarifications have been sought and also an undertaking has been requested from the Bank for facilitating the remittance of the due amounts. Even though the letter dated 30.11.2023, the learned counsel for the respondent-Organization has stated that till date they have not received any receipt any reply from the said Bank.

8. Having regard to the above made facts and circumstances, this Court is of the opinion that the ends of justice would be met if the respondent No. 5 is directed to issue



the clarifications sought by the EPFO vide letter dated 30.11.2023 as expeditiously as possible preferably within a period of two weeks from the date of receipt of a copy of this order. That immediately after receipt of the copy of the clarifications sought for from the Central Cooperative Bank, the EPFO shall pay due amounts to the petitioner No. 1 within a period of one week thereof. It is made clear that the concerned EPFO shall not make any further queries and shall pay the amounts due to the petitioners as expeditiously as possible. In case any undertaking is to be given by the petitioner No. 1, the same shall be given by the petitioner No. 1 to the Provident Fund Organization. In case the order of this Court is not complied within the time stipulated, the EPFO shall be liable to pay interest at the rate of 10% from the date of filing of the application by the petitioners for payment of the EPFO amount till the date of realisation.

9. With the above direction, the present writ petition allowed to the extent indicated.

(A. Abhishek Reddy, J)

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