

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16535 of 2012

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Ajay Kumar Das Son of Late Mahadeo Lal Das Resident of C/o Late Ramlakhan Srivastav, Mohalla - Machali Gali, New Area Jakkanpur, P.S. Jakkanpur, District Patna at Present General Secretary, State Food Corporation, Employees Union, Bihar - Jharkhand

... .. Petitioner/s

Versus

1. The Bihar State Food and Civil Supplies Corporation Ltd. Sone Bhavan, 5th Floor, Veer Chand Patel Path, Patna through its Managing Director.
2. The Managing Director, Bihar State Food And Civil Supplies Corporation, Sone Bhawan, 5th Floor, Veer Chand Patel Path, Patna.
3. The Union of India through Commissioner Employees Provident Fund Organization, Ministry of Labour, Government of India.
4. The Regional Provident Fund Commissioner II, Bihar, Patna, Regional Office, Provident Fund Building R-Block , Road No. 6, Bihar, Patna
5. The Principal Accountant General, Bihar (Audit), Birchand Patel Marg, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bishnu Kant Dubey, Advocate.
For the EPFO	:	Mr. Prashant Sinha, Advocate.
For BSFC	:	Mr. Shailendra Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 25-07-2024

Heard Mr. Bishnu Kant Dubey, learned counsel appearing on behalf of the petitioner; Mr. Prashant Sinha, learned counsel for the Employees Provident Fund Organization and Mr. Shailendra Kumar Singh, learned counsel for the Bihar State Food and Civil Supplies Corporation Limited.

2. Mr. Prashant Sinha, learned counsel appearing on behalf of the Employees Provident Fund Organization submitted that the Apex Court in the case of **Employees Provident Fund Organisation & Anr. Etc. Vs. Sunil Kumar B. & Ors. Etc.** reported in **2023 (1) PLJR 104 (SC)**, has held



as under:

“The members of the scheme, who have not exercised option, as contemplated in the proviso to paragraph 11(3) of the pension scheme (as it was before the 2014 Amendment) would be entitled to exercise option under paragraph 11(4) of the post amendment scheme. Those whose case is covered before 1st September 2014 where no cut off date has been provided, will be entitled to exercise option in terms of paragraph 11(4) of the scheme, as it stands at present.”

3. Considering the aforesaid information, I find that the petitioner, if so advised, may file a detailed representation before the Bihar State Food and Civil Supplies Corporation Limited where the petitioner is employed and the Corporation is equally under obligation to contribute in respect of its contribution and accordingly, the petitioner’s case has to be considered by the Regional Provident Fund Commissioner, Patna in light of the judgment laid down in the case of **Employees Provident Fund Organization v. Sunil Kumar B. (supra)**.

4. The authorities concerned are directed to consider the grievance of the petitioner in accordance with the law laid down by the Apex Court.

5. The writ petition stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	26.07.2024
Transmission Date	N.A.

