

05. 02. 2024

BP
A-1
Court No. 17

WPA 4165 of 2021

Calcutta Mint Employees Union & Ors.
Vs.
Union of India & Ors.

Mr. Soumya Majumdar
Mr. Amritam Mandal
Ms. Ananya Chakraborty
Ms. Shipra Naskar
..for the petitioners

Mr. Arup Nath Bhattacharyya
Mr. Hemanta Kumar Das
Ms. Sreetama Biswas
Mr. Arya Bhattacharyya
..for the respondent no.2

Mr. A. Banerjee
Ms. Debjani Ghosal
..for the respondent no.3

The Provident Fund Commissioner wanted to file affidavit in opposition today which has not been allowed as it was directed by the court to file it by two weeks from 31.10.2022.

The petitioners' case is that they rendered their service under the Ministry of Finance. In 2006, one body corporate was constituted namely, Security Printing and Minting Corporation of India Limited (in short 'SPMCIL'). The employees of Calcutta Mint were given opportunity to exercise option as to whether they would remain under the Ministry or would go under SPMCIL.

Today the employees who exercised option for

going to SPMCIL, has come before this court because their grievance is that the Employees Provident Fund Organisation is not accepting their service period in Mint. They rendered their service under the Ministry of Finance up to 2006, and thereafter they shifted, on the basis of the option given to them by the Government, to SPMCIL.

Here, the question is whether the petitioners and the trade union representing the petitioners being the petitioner no.1 (for short 'petitioners') rendered their service for a continuous period starting from their appointment under the Ministry of Finance till they reached the age of superannuation under SPMCIL.

There is no dispute with regard to the petitioners' continuous service initially in the Ministry of Finance and then SPMCIL.

Therefore, the question raised by the Employees Provident Fund Organisation is wholly a bureaucratic question which is of no merit in the eye of law and therefore cannot be accepted by this court.

The petitioners continued in their service; they shifted their service by exercising option on the basis of the opportunity given to them by the Ministry of Finance. Nobody has shown me that because of such exercise of option by the petitioners, for being employees of SPMCIL, their service have not been continued and there is a break of service.

The application for monthly pension form, as appears in Annexure P-7 (vide page 51 of the writ application), which has not been accepted by the Provident Fund Organization. Such non-acceptance is wholly illegal.

I direct the Regional Provident Fund Commissioner, being the respondent no.3, to accept all such forms from the employees of SPMCIL and to give them benefit.

Learned advocate for the SPMCIL canvasses his point that the petitioners are entitled to ex-gratia which is wholly rejected and the order as has been recorded above shall be complied with as soon as such forms will be submitted by the employees.

With the above observation, this writ application is allowed.

(Abhijit Gangopadhyay, J.)

