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06.09.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 8539 of 2023
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IA No. C.A.N. 1 of 2023

Basudev Sengupta
Vs.
Bangiya Gramin Vikash
Bank (BGVB) & Ors.

Ms. Juin Dutta Chakraborty,
Mr. Debasish Kundu,
Mr. Bidan Modak
...for the petitioner

Mr. Baidurya Ghosal,
Mr. Sourav Mukherjee,
Mr. Saikat Mukherjee
...for the respondent nos. 1, 2 and 4

Mr. Anil Kumar Gupta
...for the Provident Fund Authority

The grievance of the petitioner is directed
against non-payment of his Provident Fund dues.

The petitioner seeks a direction to disburse the
Provident Fund accumulation of one Sabyasachi
Sengupta, who was an erstwhile employee of the
Gour Gramin Bank at Malda. It is alleged that the
employee died as a bachelor and the petitioner
claims to be the only brother of the deceased
employee.

On behalf of the Provident Fund Authority it is
submitted that pursuant to order passed by the
Hon'ble Supreme Court, the Bangiya Gramin

Vikash Bank came out of the purview of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 and the entire money has been transferred to one BGVB Trust Fund.

It is also submitted on behalf of the respondents that the petitioner had filed a complaint before the District Consumer Disputes Redressal Forum, Berhampore, being CC/132/2016, which has been dismissed for default. Challenging the said order of dismissal, the petitioner had filed an appeal, being No. A/641/2019, before the West Bengal State Consumer Disputes Redressal Commission and the same was also dismissed for default on January 19, 2023. The respondent authorities also allege that the petitioner is not entitled to any amount on account of provident fund dues and the petitioner, being the elder brother of the deceased employee, is not his nominee in the records of the authorities nor has he provided the necessary documents as stipulated in the letter issued by the respondent authorities.

In view of subsequent events and more importantly the fact that the entire dues lying with the respondent provident fund authorities have been transferred to a fund, which is maintained by the respondent no. 1, the petitioner has no subsisting cause of action against the Provident

Fund Authorities. The fact that the petitioner has not been able to comply with the necessary requisites in order to claim as nominee of the deceased employee Late Sabyasachi Sengupta, there are no grounds for granting any relief in favour of the petitioner.

The reliefs as sought for in the writ petition have become infructuous in view of the subsequent events which have been brought on record by the Provident Fund Authorities.

In view of the above, W.P.A. No. 8539 of 2023 stands dismissed.

Needless to mention that the connected interlocutory application, being C.A.N. 1 of 2023, also stands dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance of necessary formalities.

(Ravi Krishan Kapur, J.)