

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 9038 of 2009

Anwar Ali Hazam
Vs.
National Jute Manufacturers
Corporation Ltd. & Ors.

Mr. Mojnu Sk.
Mr. Firoz Ahmed
... For the petitioner.

Mr. Rahul Karmakar
Mr. Surya Prasad Chattopadhyay
Mr. Saunak Mukherjee
Mr. Ankit Chatterjee
... For the respondent nos.1 and 2.

1. The present writ petition has been filed, *inter alia*, praying for a direction upon the respondents to release the balance amount on account of V.R.S. and gratuity with interest.
2. Since the matter concerns disbursal of retiral benefits and despite direction, no affidavit-in-opposition had been filed, by an order dated 21st March, 2023, this Court had directed the respondents to produce the records of this case when the matter is taken up next.
3. Since then, Mr. Karmakar, learned advocate representing the respondent nos. 1 and 2 had produced the records of this case. Although, initially truncated records had been produced but subsequently the entire records have been produced.

4. From the records it would transpired that the petitioner had duly been disbursed his terminal benefits, which, *inter alia*, includes *ex gratia*. It appears that a sum of Rs.1,16,859.05 was paid on account of *ex gratia*, however, since the petitioner did not continuously work for a period of 240 days in any of the years no gratuity was disbursed in his favour. The actual days worked by the petitioner for the period between 1981 to 2007 has been identified in the employee's record sheet.
5. The petitioner had acknowledged and accepted the aforesaid amount in full and final settlement of V.R.S., by putting his signature on the copy of the receipt which also forms part of the records.
6. On 14th March, 2024, Mr. Sk. Moushed Ali, learned advocate representing the petitioner, had submitted that insofar as provident fund is concerned, according to him despite making an application before the authorities way back in the year 2007, the same had not been disbursed.
7. Taking note of the submissions made on behalf of the petitioner, this Court by an order dated 14th March, 2024 had directed the respondent nos. 1 to 4 to file an affidavit disclosing whether any amount on account of provident fund had been disbursed in favour of the petitioner pursuant to his application for settlement of

his provident fund dues made in the year 2007.

8. Pursuant to and in terms thereof, an affidavit has been filed. In such affidavit it has been claimed that the provident fund of the respondent no.1 was vested with and was managed by the Board of Trustees of National Company Limited, Jute Mill Workers' Provident Fund Kolkata. Since all the employees of the respondent no.1 had obtained V.R.S. by 2011, after settlement of the provident fund dues of the employees, the unpaid amount has been transferred to the respective Regional Provident Fund Commissioner.
9. Mr. Karmakar has, however, failed to identify whether the name of the petitioner features in such list of unpaid members and/or whether any amount on account of provident fund had been paid in favour of the petitioner.
10. Be that as it may, although, the respondents have failed to identify whether provident fund amount had been disbursed in favour of the petitioner or not, however, taking note of the fact that the petitioner did not make any claim in the writ petition for disbursement of provident fund dues, liberty is granted to the petitioner to approach the Regional Provident Fund Commissioner for the purpose of establishing his claim, if any.

11. With the above observations and directions the writ petition stands disposed of.

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

(Raja Basu Chowdhury, J.)