

11.09.2024
Court No.09
Item no.65
CP

WPA No. 16642 of 2024

Souvik Jana
Vs.
Union of India & ors.

Sk. Jayed Hossain
.... for the petitioner.

Mr. Radhamohan Ray
....for the respondent nos. 2 to 4.

The petitioner is working as an Assistant Technician in Bharat Kolkata Container Terminal Pvt. Ltd. through SFA Meritime Private Limited. The petitioner contends that the PF component is being deducted from his salary by the company every month, but the same is not reflected in the data base of the PF authorities.

The learned advocate for the Provident Fund authorities submits that the company in which the petitioner is employed and against whom such allegation is made, has not yet opened the petitioner's account. No UAN was opened by the company/employer in case of the petitioner. Under such circumstances, the Provident Fund authorities do not have any role to play. The details supplied by the employer also do not reflect the name of the petitioner.

The petitioner submits that the online account could not be opened by the company as the provident fund authorities did not allow such UAN to be opened in the name of Souvik Jana as there was another employee of the same name. This is disputed by the authorities.

The Provident Fund authorities has submitted the list of the 43 employees whose names appear against the employer, except the petitioner herein.

The dispute cannot be resolved unless the Provident Fund authorities call the petitioner and the employer, for a hearing and decide the entire matter in accordance with law.

It is made clear that the Provident Fund authorities will guide with the petitioner and the company, to enable them to take proper steps.

The entire exercise shall be completed within a period of three months from the date of communication of this order.

Accordingly, the writ petition is disposed of.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)