

Item-  
ML-4. 01-04-2024

sg Ct. 8

MAT 1482 of 2022  
CAN 1 of 2022  
CAN 2 of 2022

Surinder Pal @ Shinda & Ors.  
Versus  
The State of West Bengal & Ors.

Mr. Supratic Roy, Adv.  
Mr. Raushan Kr. Ray, Adv.  
...for the petitioners  
Mr. Ranajay De, Adv.  
Mr. B. Banerjee, Adv.  
...for the respondent no.2  
Mr. Avijit Tewary, Adv.  
...for the respondent nos.7&8  
Mr. Tapan Kumar Mukherjee, Ld. AGP  
Mr. Arindam Ghosh, Adv.  
...for the State

1. CAN 1 of 2022 is an application for condonation of delay.  
There is a delay of 193 days in preferring the instant appeal.
2. Sufficient cause being shown for not being able to present the memorandum of appeal within the stipulated period of time, the delay of 193 days in filing the present appeal is condoned. The prayer for condonation of delay is allowed.
3. CAN 1 of 2022 is, thus, disposed of.
4. The appeal is at the instance of a person claimed to be the son of one Trasim Lal. There is an apparent discrepancy with regard to identity of the original employee who claimed to have worked as a Skilled Khalashi till 1965.
5. The record of the respondents did not reveal any evidence with regard to engagement of the father of the petitioner in Damodar Valley Corporation.
6. The learned Counsel for the Provident Fund Authority has submitted that the establishment was initially exempted and after the exemption was withdrawn, there is no record in the

custody of the Provident Fund Authority wherefrom it can be said that the father of the petitioner was an employee of the said establishment.

7. It is under such circumstances, we agree with the observation of the learned Single Judge that the letter of EPF dated 16<sup>th</sup> July, 2018 is indeed difficult to comply with the as is difficult with the later communication dated 27<sup>th</sup> June, 2018 issued by the Under Secretary to the Government of India, Ministry of Labour and Employment, office of the Chief Labour Commissioner (C).
8. We are unable to grant any relief to the writ petitioner. The learned Single Judge, however, has not completely denied the relief to the writ petitioner/appellant as the opportunity was given to the petitioner to such benefit if he proves his claim under the appropriate statute that the said liberty being granted to the appellant, we dispose of this appeal without interfering with the order passed by the learned Single Judge.
9. The appeal and the application are, accordingly, disposed of. However, there shall be no order as to costs.
10. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

**(Soumen Sen, J.)**

**(Uday Kumar, J.)**