

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1615 of 2018

In
Civil Writ Jurisdiction Case No.12416 of 2009

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Nageshwar Prasad Singh son of Late Sheo Nandan Singh, resident of
Mohalla-Jai Prakash Nagar, P.O. and P.S.-Dihga, District-Patna.

... .. Appellant/s

Versus

1. The Industrial Development Bank of India, through its Chairman and Managing Director, I.D.B.I. Tower, Cuffe Parade, W.T.C. Complex, Mumbai-400 005.
2. The Regional Provident Fund Commissioner, Regional Office, Bhavishyanidhi, Bhawan, R-Block, Road No.- 6, Patna Bihar-8000 001.
3. The Assistant Provident Fund Commissioner (Accounts), Regional Office, Bhavishyanidhi Bhawan, R-Block, Road No.-6, Patna, Bihar-800 001.
4. The Bihar Industrial and Technical Consultancy Organisation Ltd. (BITCO) through its Managing Director, 6th Floor, Indra Bhawan, R.C. Singh Path, Patna.
5. The State of Bihar through Principal Secretary, Department of Industries, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Shashi Bhushan Kumar, Advocate
For the State	:	Mr. Yogendra Prasad Sinha -A.A.G.-7
		Mr. Rajeev Kumar Sinha, A.C. to A.A.G-7

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 27-01-2025

In C.W.J.C. No. 12416 of 2009, appellant had sought
for the following reliefs:-

(A) For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondents for grant/release of his Provident Fund (P.F.) dues for the period 1991-92 to 97-98 after calculating the statutory interest thereon as per the Employees Provident Fund Act (E.P.F. Act.)

(B) For quashing the communication contained in Memo No. 508 dated 11/9/08 whereby and



whereunder the Assistant Provident Fund Commissioner has refused him the benefits of Family Pension on the plea that petitioner has not completed the statutory length of service of the membership of 10 years for being eligible for Family Pension and further after granting the same issuance of appropriate writ(s) order(s) direction(s) commanding the respondents to Fix the amount of his family pension and release the same w.e.f. 1/7/07 i.e. the date from which he superannuated from the service after calculating the statutory interest thereon.

(C) For a direction upon the respondents to pay the arrears of salary dues of the petitioner from July, 1995 to August, 1996 and thereafter from June 1997 onwards till the date of his retirement i.e. 30-06-2007 with statutory interest thereon.

(D) For grant of any other relief / reliefs for which the petitioner may be found entitled under the facts and circumstances of the case.”

2. Appellant grievance is required to be adjudicated under Employees Provident Fund and Miscellaneous Provisions Act, 1952. In those provisions, petitioner has statutory remedy which has been taken note of by in our earlier order dated 20th January, 2025, which reads as under:-

“Prima facie, the grievance of the appellant cannot be adjudicated in the light of the statutory provisions provided under sub-Section 7-A (Determination of moneys due from employers) and sub-Section 7-I (Appeals to Tribunal) of Section 7 (Modification of Scheme) of the Employees Provident Funds and Miscellaneous Provisions Act, 1952, to make necessary application before the Assistant Provident Fund Commissioner. Even if the appellant is aggrieved by any decision of the Assistant Provident Fund Commissioner, he has remedy of appeal before the appellate authority. In the light of these facts and circumstances and to



provide one more opportunity to the appellant, relist this matter on 27.01.2025. It is made clear that no further time would be granted.”

3. In the light of the aforementioned order, today learned counsel for the appellant fairly submitted that appellant has not invoked any statutory provision provided under the Act, 1952, therefore, his writ petition itself is not maintainable. Accordingly, the present L.P.A. stands disposed of to avail appropriate remedy before the appropriate authority on behalf of the appellant.

4. We made it clear that order of the learned Single Judge would not be a hurdle insofar as invoking remedy under the Employees Provident Fund and Miscellaneous Provisions Act, 1952.

5. Accordingly, the present L.P.A. No. 1615 of 2018 stands disposed of.

6. Pending I.A.(s), if any, stand disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

Khushbu/Siwani

AFR/NAFR	NAFR
CAV DATE	N.A
Uploading Date	05.02.2025
Transmission Date	

