

20.08.2025
Ct. No. 30
S.L. No.11
SM

WPA 7862 of 2025
Ajoy Shaw
Versus
The Regional Provident Fund Commissioner,
Regional/Sub-Regional Office, Barrackpore & Ors.

Mr. Anirban Kar

Mr. Swapan Kumar Majumder

Ms. Snigdha Das

.....for the petitioner

Mr. Swagato Roy

Mr. Arun Alo Roy

.....for the respondent no. 2 to 6

Ms. Debjani Ghosal

Ms. Sanchayita Das

.....for the EPF

1. The writ application has been preferred praying for direction upon the respondent no. 1/PF authorities to ensure release of the petitioner's pension with interest for delayed payment to the petitioner in accordance with law within a specified time.

2. It is the case of the petitioner that he joined the respondent no. 4 company as a Helper at the Production Department on 3 March, 1984. At the time of joining service the petitioner was 17 years old.

3. The petitioner superannuated from service as per the records of The Jay Shree Chemicals and Fertilizers on 31 December, 2017, when the writ petitioner had attained the age of 58 years.

4. By a letter dated 1 December, 2017, the respondent no. 4 informed that the writ petitioner

that he was to retire from service on 31 December, 2017 and requested the writ petitioner to collect his full and final dues from the Accounts Department of the factory on 6th January, 2018.

5. It is the case of the petitioner that he intimated the respondent no. 4 of his correct date of birth and requested them on several occasions to rectify their records. However the respondent no. 4 has not paid any heed to such requests made by the writ petitioner.

6. The petitioner then filed an Industrial Dispute on 17th January, 2019 before the Conciliation Officer, Department of Labour, Barrackpore, under Government of West Bengal challenging the premature termination of the Writ Petitioner.

7. The said Industrial Dispute was withdrawn by the petitioner with liberty to sue afresh. It is submitted by the respondent/company that a fresh Industrial Dispute has been raised by the petitioner wherein he has again alleged illegal termination.

8. Learned counsel appearing for the petitioner submits that the respondent no. 1/PF authority be directed to release his pensionary benefits on correcting the date of birth in the company records, as per the date of birth in the Aadhar Card.

9. It is submitted that the petitioner is ready and willing to forgo his claim of illegal termination, if his pensionary benefits are granted on correction of his

date of birth in the company records on the basis of date of birth in the Aadhar Card.

10. It appears that as per the date of birth mentioned in the Aadhar Card, the petitioner's age is reduced by 6 years.

11. It also appears from the materials on record that the date of birth which has been recorded in all the government documents of the petitioner, other than the company records are on the basis of a **transfer certificate** claimed to be issued by a school, and produced by the petitioner.

12. Learned counsel for the respondent company in his affidavit-in-opposition has annexed a copy of a letter issued by the Headmaster of Central Convent High School, M.G. Road, Kolkata-19, wherein on verification, it has been stated that the transfer certificate on the basis of which the date of birth of the petitioner has been recorded in all the government documents, are on the basis of **"fake transfer certificate."**

13. It appears that the petitioner got his job on false declaration and now is claiming benefits on the basis of documents obtained with the help of a transfer certificate which is a fake document.

14. Considering the said facts and circumstances, the writ application having no merit stands dismissed.

15. Applications, if any, connected thereto stand disposed of consequently.

16. Interim order, if any, stands vacated.

17. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]