

01.08.2025
Item No. 24
Ct. No. 30
AN

WPA 9200 of 2025

Nisar Hossain Mullick
Vs.
State of West Bengal and Ors.

Mr. Tauhid Khan,
Mr. Atanu Haldar
...for the petitioner

Ms. Aparna Banerjee
...for respondent P.F.Authority

1. The writ applications has been preferred by the petitioner/workman praying for direction upon the respondent no. 1 being the Regional Provident Commissioner, Howrah, to ensure release of their provident fund/pension with interest for delayed payment, within a specified time.

2. During the course of hearing the learned counsel appearing for the Provident Fund Commissioner has submitted that the exemption of the establishment in this case was withdrawn in the year 2023 and part of the fund maintained by the company has been transferred to the Provident Fund Commissioner and the authority respondent no. 1 has already processed the payment of all the workmen in respect of the said dues on pro rata basis.

3. In WPA 19510 of 2023, the learned senior counsel, Mr. Trivedi who represented the

Enforcement Directorate submitted that the enforcement directorate is on the verge of submitting their prosecution complaint against the respondent/company (also in the present case) wherein several discrepancies/irregularities and illegalities has been found. It is submitted that a separate investigation is being conducted by the local Police Station under the State authority.

4. Learned counsel appearing for the respondent/EPF Authority submits that they have received a substantial amount from the company after the exemption has been withdrawn and the balance amount is still due from the company.

5. Learned counsel for the petitioner submits that the relief prayed for by them is that the RPF authority may be directed to pay the workers including the petitioner on pro rata basis as per the fund already transferred in their favour.

6. On hearing all the parties, the writ applications is disposed of with the direction that the respondent no. 1/RPF authority shall take all necessary steps to disburse the amount transferred by the company to the RPF authority in favour of the workman on pro rata basis, on compliance of all formalities by the petitioner/workmen as required by the authority concerned.

7. The petitioner is further directed to approach the RPF authority and comply with all the formalities

to receive their proportionate dues. It is further directed that the petitioner shall be at liberty to pray for further relief by making an appropriate application before the authority concerned as and when further sum is transferred to the RPF authority by the company.

8. It is made clear that the Enforcement Directorate and the State authorities shall proceed with their investigation independently, in accordance with law and this order shall in no way effect and/or influence their pending investigation, if any.

9. Writ application stands **disposed of**.

10. Connected application, if any, stands disposed of.

11. Interim order, if any, stands vacated.

12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)