

S/L 65
10.12.2025
Court No.10
Swd

WPA 9631 of 2025

**Sahida Bibi & Anr.
Vs.
Union of India & Ors.**

*Mr. Debasis Sur,
Mr. Subash Bhattacharya.*

... for the Petitioner.

Mr. Shiv Chandra Prasad

... for the P.F Authority.

1. Heard the learned Counsels for both the parties.
2. Main grievance of the petitioner is with regard to the disbursement of the EPF to the legal representatives of the deceased ex-employee of respondent No.3.
3. The petitioner being the legal representative of the deceased ex-employee in the said writ petition prays, inter alia, for the following reliefs:

a) Writ in the nature of mandamus commanding the Respondent no. 3 to show cause why they have not inform about transferred of P.F related issues to the Respondent no. 2 to it's employees,

b) Writ in the nature of mandamus commanding the Respondent no. 2 to show cause why they have not yet taken any action, against the Respondent no. 3 inspite of no record is available in EPFO Database as reported by the Respondent no. 2 to her.

c) Mandamus commanding the Respondent no. 3 to show cause why they have provided the wrong Information to the Writ in the nature of petitioner towards transferred of all P.F, Pension and miscellaneous related issues to the Respondent no. 2 as the case may be.

d) Writ in the nature of mandamus commanding the Respondent no. 3 to show cause that why they have mis-leaded and harassed the applicant/petitioner.

e) Writ in the nature of mandamus commanding the Respondent no.2 or 3 to pay the P.F, Pension & other miscellaneous benefits thereto of Late Jahur Ali Mollah & Late Sk. Kalloo to the petitioners if it is not transferred the same as mentioned above to the Respondent no. 2. And/or if it is transferred than the Respondent no. 2 shall pay the same to the petitioners.

f) Writ in the nature of mandamus commanding the Respondent no. 3 to pay compensation for Rs 3,00,000/- and/or the Hon'ble Court decide upon for misleded & harassed the applicant/petitioner.

4. Apropos, the facts of the case are that the petitioners are the legal representatives of the deceased employees of respondent No.3 and has not been informed about the transfer of Provident

Fund, documents and paper of the deceased ex-employee of respondent No.3 to the respondent No.2 for payment of arrears which has fallen due.

5. The petitioner made a representation dated 06.05.2024 before the respondent No.3 that remains pending for consideration. The petitioner also made a RTI before the Central Public Information Officer which is reproduced below:

“That as per information received from the Employer, M/S: Bengal Lamps Ltd, of 137, Prince Golam Hussain Shah Road, Kolkata-700032 that the company was ceased it's operation in the year 1984 and accordingly the Trustee Board of it has already referred all materials & documents of their employees related to P.F & Miscellaneous Act, before you for enrolment of employees details and made transaction for the same prior to the year of It's ceasation. WHEREAS on claim submitted by my client for her husband's named Jahur Ali Mollah, since deceased E.P.F disbursement, the Employer declined to entertain the same as they don't have any records for their employees P.F related issues and further told my client they wrote several letters to your concerned for providing details of E.P.F for their employees, but remained un-answered from your end, as alleged

2) That in view of the above my client seek information under the above section of the Act from

your end such as the Status Report, records and documents of her husband's E.P.F A/c No: WB/288/190, who is an Ex-deceased employee of the above concern and holder of the above P.F No. with you. Her husband died intestate on 11-12-2015 at Kolkata, leaving behind my client as his NOMINEE

3)For your ready reference I am enclosing herewith the following documents for your kind perusal.

i) Xerox copy of E.P.F Acknowledgement receipt, dated: 26-02-1988 of Jahur All Mollah.

il) Xerox copy of Death Certificate, dated: 12-12-2015 of Jahur All Mollah.

ii)Xerox copy of Aadhar card of my client.

iv) An Indian Postal Order for 10/- only being no: 27F380630, Dated: 04-04- 2024 towards the fee of it.

Therefore you are hereby requested to kindly look into the matter and please provide the same to her under section 2(f) of RTI Act, 2005 within the time framed for 30 days under the Act and oblige.”

6. Subsequently, by a letter dated 05.06.2024 the Central Public Information Officer informed the petitioner that “no record is available in EPFO database”.
7. After careful consideration of the case, I direct the petitioner to make a comprehensive representation before the respondent Nos.2 and 3

respectively within period of two weeks and the respondent No.2 shall serve a notice of hearing to the respondent No.3 and other interested parties including the petitioner and shall fix a date of hearing within four weeks from the date of the receipt of the representation.

8. The respondent No.2 with the assistance of the respondent No.3 shall consider the case of petitioner forthwith by passing a reasoned order in accordance with law upon affording opportunity of hearing to all the interested parties and communicate such decision with a week thereafter.
9. With the above observation and directions, this writ petition WPA 9631 of 2025 is disposed of without exception of the merits of the case.
10. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Smita Das De, J.)