

Item No.- 5
18.09.2025
Court No. 12
Rohan

**In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side**

**MAT 1198 of 2025
With
I.A. No.: CAN 1 of 2025
I.A. No.: CAN 2 of 2025.**

**Jogindar Das & Anr.
Versus
Union of India & Ors.**

Mr. Debasis Sur,
Mr. Subhasish Bhattacharjee.
... for the Appellants

Ms. Manika Roy,
Ms. Ankita Chowdhury,
Mr. Atanu Sur.
... for the EPPFO

Ms. Aridra Chakraborty,
Mr. Dhirodatto Chaudhuri.
... for the Respondent No. 3

In Re.: CAN 1 of 2025

1. CAN 1 of 2025 is an application under Section 5 of the Limitation Act, filed by the appellants/petitioners.
2. Having found the grounds stated therein to be sufficient, this Court considers it proper to allow the same by directing that the delay in filing the instant appeal of 182 days is hereby condoned.
3. Accordingly, **CAN 1 of 2025** is **disposed of**.

**In Re.: MAT 1198 of 2025
with
CAN 2 of 2025**

4. The appeal relates to the impugned order of the learned Single Judge dated February 12, 2025.

5. The appellants' grievance is that in spite of the appellants having not being paid with the entire amount of provident fund and pension, the learned Single Judge while disposing of the writ petition being WPA 1387 of 2024 has erred in considering that the entire amount of provident fund due has been released in favour of the appellants at the time of their superannuation and the monthly pension under PPO No. WEPRB00029903 has also been released in his favour.
6. Learned advocate appearing for the appellant has further submitted that the representations were submitted thereafter by the appellants before the Assistant Commissioner, Provident Fund Authorities dated October 5, 2024, which have not been considered by the said authorities as yet. The representations which are annexed with the instant appeal are with regard to claim of the appellants for further release of the residual provident fund accumulation which they claim to stand as outstanding.
7. The respondent/provident fund authorities as well as the private respondent are also represented.
8. Learned advocate appearing for the provident fund authorities has emphatically submitted that the entire provident fund due has already been released in favour of the appellants including the pension payable to them on their attaining the age of superannuation.

This stand of the respondent provident fund authorities is supported by the respondent No. 3.

9. Having heard the submissions of the respective learned advocates and after perusal of the documents on record, the Court is of the considered opinion that the appellants' grievance with regard to the impugned order relates to non-payment of the residual amount of provident fund dues, which the appellants claim to be still lying with the respondent provident fund authorities. Otherwise, the appellants have not denied receipt of provident fund accumulated amount as well as pension. However, learned advocate appearing for the appellant says that the same is a partial payment only. This submission on behalf of the appellants is, however, not supported with any corroborative material to show that the appellants have received the said amount of provident fund accumulation and pension without prejudice to their rights and contentions.
10. Later on, a demand letter was submitted by the appellants dated October 5, 2024 before the Authorities for release of the residual amount of provident fund accumulation. Record reveals that the same is still pending with the concerned respondent authorities.
11. Having considered the entire facts and circumstances of the case, this Court finds it proper to dispose of this appeal by directing that the provident fund authorities/respondent No. 2 shall consider the representation of the appellants dated October 5, 2024

within a period of six weeks from the date of communication of copy of this order and after affording an opportunity of hearing to the respective appellants.

12. It is made clear that the Court has not interfered with the order of the learned Single Judge assailed in the instant appeal in any manner whatsoever.

13. The appeal being **MAT 1198 of 2025** along with the connected application being **CAN 2 of 2025** stands **disposed of** with the directions as above.

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

(Lanusungkum Jamir, J.)

(Rai Chattopadhyay, J.)