

01.07.2025
Item No.14 to 23
Ct. No. 30
Aloke

WPA 19510 of 2023
Sanatan Naskar
Vs.
The Regional Provident Fund
Commissioner & Ors.
with
WPA 15135 of 2023
Dilip Sardar
Vs.
Union of India & Ors.
with
WPA 21474 of 2023
Prasanta Mondal
Vs.
Union of India & Ors.
with
WPA 21477 of 2023
Kamal Mondal
Vs.
Union of India & Ors.
with
WPA 21478 of 2023
Dipankar Roy
Vs.
Union of India & Ors.
with
WPA 25326 of 2023
Amanath Sk.
Vs.
The Regional Provident Fund
Commissioner & Ors.
with
WPA 21481 of 2023
Nimai Chandra Mondal
Vs.
Union of India & Ors.
with
WPA 21483 of 2023
Subash Chatterjee
Vs.
Union of India & Ors.
with
WPA 21753 of 2023
Kamal Naskar
Vs.
Union of India & Ors.
with
WPA 22200 of 2023
Murary Paramanick
Vs.
Union of India & Ors.

Mr. Bijoy Bag
 Mr. Ravi Ranjan Kumar
 ..for the petitioner in
 item no.14
 Mr. Soumava Ghosh (through VC)
 ... for the respondent
 in item no. 14
 Mr. Pintu Karar
 Mr. Sabab Uddin Laskar
 Mr. Sourav Roy
 ...for the petitioner
 in item nos. 15 to 18, 20 to 23

 Mr. Taushiq Khan
 Mr. Atanu Haldar
 ... for the petitioner
 in item no. 19
 Mr. Siddhartha Lahiri
 ... for the Union of India
 in item no. 18
 Mr. Souvik Nandy
 Mr. Tirtha Pati
 ... for the Union of India in
 item no. 14 to 23
 Ms. Sneha Singh
 ...for Delta Ltd. in
 item no. 14 to 23
 Ms. Aparna Banerjee
 ..for the P.F. authorities
 in item no. 14 to 23
 Mr. Satyendra Agarwal
 Mr. Bijay Bag
 ... for the Provident Fund
 Organization in item no. 15

 Mr. Vipul Kundalia, Id. Sr. Adv.
 Mr. Souvik Nandy
 Mr. Anindya Kanan
 Mr. Dhirodatto Chaudhuri
 ...for the SFIO
 Mr. Dhiroj Trivedi
 Mr. Arijit Chakraborty
 ... for the ED in item no. 14 to 16

1. The writ applications have been preferred by
 the petitioners/workmen 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appearing for the Provident Fund Commissioner has submitted that the exemption of the establishment in this case was withdrawn in the year 2023 and part of the fund maintained by the company has been transferred to the Provident Fund Commissioner and the authority respondent no. 1 has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. It is submitted by learned senior counsel, Mr. Trivedi who represents the Enforcement Directorate, that the enforcement directorate is on the verge of submitting their prosecution complaint against the respondent/company 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/company submits that they have transferred a substantial amount to the RPF authority after the exemption has been withdrawn and are also trying to figure out how to transfer the balance amount as they are in a financial crisis.

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

6. On hearing all the parties, the writ applications are 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 workmen on pro rata basis, on compliance of all formalities by the petitioners/workmen as required by the authority concerned.

7. The petitioners are directed to approach the RPF authority and comply with all the formalities to receive their proportionate dues. It is further directed that the petitioners 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 investigation.

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.)