

24.03.2025
Ct. No. 30
S.L. No. 3
SM

WPA 26859 of 2024
Sk. Abul Kalam
Vs.
Union of India & Ors.

Mr. Biswambhar Jha
Mr. Debashish Basak
.....for the respondent no.1
Mr. Pinaki Bhattacharyya
Ms. Priyanka Jana
.....for the State
Mr. Rajib Ray
.....for the EPFO

The present writ application has been preferred praying for direction upon the respondent no. 6 the Official Liquidator to determine the provident fund' dues of the petitioner.

On the last occasion, the Official Liquidator appeared virtually and prayed for an accommodation to submit her report.

Report has been submitted, but the Official Liquidator has not appeared.

Considering the said facts this Court has no other option but to decide the case in presence of the petitioner and the respondents who are being represented.

It appears that the establishment in this case is an exempted establishment and the fund is still lying with the trust.

As the company has now gone into liquidation, the overall authority/assets lies with the official liquidator.

Accordingly the Official Liquidator in this case is directed to consider the prayer of the petitioner herein who shall submit a written representation within 7 days from the date of this order with the Official Liquidator, who on hearing all the parties including the representative of the company shall decide the dues of the petitioner in accordance with law and if it appears that the petitioner is entitled to such dues, the Official Liquidator shall release the said amount from the trust fund.

It is clarified that the law is very clear that the dues of the workmen/employee is not part of the liquidation assets and is to be separately kept aside to meet the dues of the workman/employee.

Accordingly, the Official Liquidator shall dispose of the petitioner's prayer within 30 days from the date of receiving the representation in accordance with law, on hearing the parties, by passing a reasoned order.

A copy of the report be served upon all the parties in the present case by the Official Liquidator.

[Shampa Dutt (Paul). J]