

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1564 OF 2024

1A. Surendra Dattaram Kadam and Ors. ... Petitioners

Versus

The Central Provident Fund
Commissioner and Ors. ... Respondents

Mr. Gaurav Sharma a/w Dhanesh Sharma, for Petitioners.

Mr. Ravi Rattesar, for Respondent No.3.

Ms. Uma Kshirsagar Wagle, for Respondent Nos.4 and 5.

**CORAM : M.S. Sonak &
Advait M. Sethna, JJ.**

DATED : 12 September 2025

P.C.:-

1. Heard Mr. Gaurav Sharma and Mr. Dhanesh Sharma, learned counsel for the Petitioner. They appeared on behalf of the Petitioner on the Legal Aid Scheme. Ms. Uma Kshirsagar Wagle appears on behalf of the Respondent Nos.4 and 5. The remaining Respondents have been served and on the previous occasion some Advocate had also appeared on behalf of the other Respondents.

2. Mr. Sharma states that the only relief sought for in this Petition is that the Respondent Nos.1, 2 and 3 decide the Petitioners' representation dated 16 February 2021 (**Exhibit –**

E to this Petition). Mr. Sharma points out that by communication dated 16 March 2021 the Regional Provident Fund Commissioner, Dadar was directed to consider such representation and redress the Petitioners' grievance at the earlier under intimation to all concerned.

3. Since this is a representation concerning payment of provident fund, we agree that the same should have been decided within a reasonable period, if not with utmost despatch. Ms. Wagle has certain objections to the payment of provident fund amounts to the Petitioners. She states that the Petitioners may not be the legal representatives of the deceased employee.

4. At this stage, we do not wish to get into such controversies. These are matters for the Regional Provident Fund Commissioner to examine in the first instance.

5. Accordingly, we direct the Regional Provident Fund Commissioner – I at Dadar who, the learned counsel for the Petitioner state would be the appropriate authority to decide the representation dated 16 February 2021 as expeditiously as possible and in any event within three months of the communication of this order. The Regional Provident Fund Commissioner must hear the Petitioners as well as the Respondent Nos.4 and 5 and pass a reasoned order on this representation. This reasoned order must be communicated to the parties within this period of three months. All contentions of all parties are however left open to be agitated

before the Regional Provident Fund Commissioner, Dadar in the first instance.

6. This Petition is disposed of in the above terms without any costs order. This Court appreciates the services rendered by Mr. Gaurav Sharma and Mr. Dhanesh Sharma under the Legal Aid Scheme. They shall be entitled to fees in accordance with the Scheme.

7. All concerned must act on an authenticated copy of this order.

(Advait M. Sethna, J)

(M.S. Sonak, J.)