

19.01.2026
Item No.10
Ct. No. 30
Aloke

WPA 528 of 2026

Nisar Hossain Mullick
Vs.
The State of West Bengal & Ors.

Mr. Tauhikd Khan
Mr. Atanur Halder
..for the petitioner

Ms. Aparna Banerjee
...for the respondent no. 2

Ms. Anamika Pandey
Ms. Amrita Pandey
Mr. Ghanshyam Pandey
... for the Delta Ltd.

1. The writ application has been preferred by the petitioner/workman praying for direction upon the respondents to release and disburse the rest of 37% Provident Fund amount and upto date interest and all other dues including the Provident Fund dues along with all other retrial benefit, along with interest @ 12% per annum towards the delayed payment of retrial/provident fund benefits.

2. In 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appearing for the Provident Fund Commissioner has submitted that the exemption of the establishment in this case was withdrawn in the year 2023 and part of the fund maintained by the company has been transferred to the Provident Fund Commissioner and the authority respondent no. 2 has already processed

the payment of all the workmen in respect of the said dues on pro rata basis.

3. 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submits that they have transferred a substantial amount to the RPF authority after the exemption has been withdrawn and are also trying to figure out how to transfer the balance amount as they are in a financial crisis.

4. It is submitted by the learned counsel for the RPF Authority that after the order dated 01.07.2025 was passed in WPA 19510 of 2023 and a bunch of matters, the amount transferred by the private respondent company herein has already been disbursed in full on pro rata basis as per the direction of the Court in the said order.

5. It is now submitted by the learned counsel for the RPF Authority that at present there is no fund remaining with the RPF Authority to disburse or to consider the claim of the petitioner.

6. Accordingly, on instructions, Ms. Banerjee prays for direction upon the private respondent to pay the outstanding amount in instalments so as to enable the Provident Fund Authority to disburse the outstanding amount.

7. Thus, on hearing all the parties and considering the submissions made, the writ application is disposed of with the direction that the private respondent/company herein shall approach

the RPF Authority within 15 days from the date of this order praying for easy instalments to transfer the funds so as to enable the RPF Authorities to consider the claim of the petitioner which may be done on pro rate basis.

8. It is made clear that in case the respondent company does not approach the RPF Authorities within 15 days as directed, the RPF Authority shall be at liberty to proceed in accordance with law against the said company.

9. In case the company transfers the fund as per instalments granted by the RPF Authority, who shall do so when the petitioner appears before the RPF Authority as directed, then the RPF Authority shall proceed to take all necessary steps to disburse the amount transferred by the company to the RPF authority in favour of the workman on pro rata basis, on compliance of all formalities by the petitioner/workman as required by the authority concerned.

10. The petitioner is thus directed to approach the RPF authority and comply with all the formalities to receive his proportionate dues. It is further directed that the petitioner 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.

11. Writ application stands disposed of.
12. Connected application, if any, stands disposed of.
13. Interim order, if any, stands vacated.
14. 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.)