

17.03.2026
Item No.7
Ct. No. 30
Aloke

WPA 2905 of 2026
Dipal Ranjan Bhowmik
Vs
The Regional Provident Fund Commissioner-I & Anr.

Mr. Bikash Shaw
Mr. Sk. Saad Islam
... for the petitioner

Ms. Manika Ray
Ms. Ankita Choudhury
... for the EPFO

1. Affidavit-of-service filed be kept with the record.
2. The writ application has been preferred praying for direction upon the respondent authorities to accept the declaration Form i.e., Form No. 2 dated 24th July 2023 submitted by the petitioner and for further direction to change the nominee of the petitioner from his nephew namely Kanchan Bhowmik to his wife Rimpa Das.
3. A report has been placed by the respondent authorities wherein it has been stated as follows :

“A member of the Employees’ Pension Fund shall continue to be such member till he attains the age of 58 years or he avails the withdrawal benefit to which he is entitled under para 14 of the Scheme, or dies, or the pension is vested in him in terms of para 12 of the Scheme whichever is earlier.

In the case of the petitioner member herein, membership of the petitioner member under the EPS 1995 ceased on 17th January, 2022 on his attaining the age of 58 years and thus the petitioner member exited from the Scheme on 17th January, 2022 on attaining

*the age of 58 years. However, during his course of membership of EPS, 1995 the petitioner member, as per his own declaration in Part B of Form 2 (EPS, 1995), and as empowered by para 16(5)(a) of EPS, 1995, **duly nominated Kanchan Bhowmick, nephew, for the purpose of receiving ‘Nominee Pension’ in the event of petitioner member’s death before attaining the age of 58 years** – for the reason that he did not acquire a ‘family’ as defined under para 2(vii) of the Employees’ Pension Scheme, 1995 at the time of registering such nomination.”*

4. **In the present case**, the petitioner admittedly has exited the scheme on 17th January, 2022 and has also availed of the withdrawal benefit entitled to under para 14 of the Scheme. The petitioner now prays for nomination of his wife in the said Scheme having got married on 31st May, 2023 when he admittedly is not a member of the Scheme and has also availed of the withdrawal benefit and accordingly the petitioner is not entitled to the relief as prayed for in the writ application in view of para 69 of EPF Scheme.
5. **WPA 2905 of 2026 is thus dismissed.**
6. Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Dutt (Paul), J.)