

06.01.2026
Ct. No. 30
S.L. No. 8
SM

WPA 27137 of 2025
Badal Chandra Manna
Versus
The Regional Provident Fund Commissioner &
Anr.

Mr. Bikash Shaw
Mr. Sk. Saad Islam
.....for the petitioner
Mr. Bijoy Kumar
.....for the respondent no. 1

1. Affidavit-of-service filed by the petitioner be taken on record.
2. The writ application has been preferred praying for direction upon the respondent no. 1, their men, agents, servants, subordinates and/or assigns to forthwith determine the monthly pension of the petitioner and pay the said monthly pension and arrears to the petitioner along with interest.
3. It is the case of the petitioner herein, on relying upon the document at page 13, which is a discharge certificate, wherein it appears that the petitioner was examined in February, 1999 for the injury suffered by him in course of his duty. The accident occurred in the factory premises while performing duty on 15.03.1998.
4. The petitioner prays that he may be medically examined by the appropriate authority and the disability pension as claimed by him may be paid to him. The petitioner relies upon para 15 Clause 3 of

the Employees Pension Scheme in support of his contention.

5. Learned counsel for the EPF organization has placed two documents before the Court wherein it appears that the petitioner's claim for "disabled" pension has been rejected and the reasons for the said rejection are as follows:-

"In returning herewith the above said claim, it is stated that pension claim could not be acted upon due to the reasons mentioned below:

*1. As per documents submitted with the claim in F/10D, **it is found that the accident occurred in factory premises while performing duty on 15.03.1998, but you continued your duty even after.***

2. Contribution in pension Fund has been stopped after May, 2001 while you obtained disability certificate on 14.08.2002, which is not also in prescribed proforma of EPFO Under the circumstances it is found that the conditions as stated in para 15 of EPS, 1995, are not fulfilled by you for grant of disabled pension.

As such you are requested to prefer claim in F/10C (blank proforma enclosed) for withdrawal benefit,

Encis: As stated above."

*Sd/-
(Assistant P.F. Commissioner)
Exempted Pension/DLI Section
RO Howrah*

6. Accordingly, on hearing both parties and considering the materials on record including the documents filed it appears that the petitioner herein was **examined medically immediately after the accident** and was prima facie found to be have suffered 70% disability due the said accident. The petitioner submits that he is still disabled and carries out his work in spite of such disability, but considering the fact that he is entitled to “disabled” pension, he prays for necessary direction upon the authority concerned.

7. Considering all these facts and in the interest of justice, it is directed that the respondents herein shall proceed as per para 15 (3) of the employees pension scheme, 1995 and the petitioner shall undergo such medical examination as may be prescribed by the Central Board regarding his disablement as per the said provision of law.

8. The respondents shall comply with the said direction within 30 days from the date of this order. On such medical examination being completed the respondents shall proceed to consider the application of the petitioner for “disabled” pension in accordance with law within 15 days thereafter.

9. **The writ application is accordingly disposed of.**

10. Applications, if any, connected thereto stand disposed of consequently.

11. Interim order, if any, stands vacated.
12. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]