
(2006) 04 GAU CK 0060
In the Gauhati High Court

H.Ranibala Devi

APPELLANT

Vs

Union of India and Ors.

RESPONDENT

Date of Decision : 27-04-2006

Acts Referred:

Citation : (2006) 04 GAU CK 0060

Hon'ble Judges : T.Nanda kumar Singh, J

Bench : Single Bench

Advocate : L.Sharat Sharma, K.Kumar, Advocates appearing for Parties

Judgement

1. Heard Mr. L. Sharat Sharma, learned counsel appearing on behalf of the petitioners as well as Mr.K. Kumar Singh, learned Addl. CGSC appearing for the respondents 1 to 4, Mr.Th. Ibohal Singh, learned G.A. appearing on behalf of the respondents 5 and 6 and Mr.H.S. Paonam, learned counsel appearing on behalf of the respondent no.7, the Manipur Handloom and Handicraft Dev. Corpn. Ltd.(A Government of Manipur Undertaking) through its Managing Director, Paona Bazar, Imphal1.

2. The fact stated in short of the petitioners" case is that they were the employees of the respondent no.7, i.e. the Manipur Handloom and Handicraft Dev. Corpn. Ltd.(A Government of Manipur Undertaking) through its Managing Director, Paona Bazar, Imphal1, in different capacities. This fact is not disputed by Mr. H.S. Paonam, learned counsel appearing on behalf of the respondent no.7. While the petitioners were working under the respondent no.7, in compliance with the provisions of the Employees" Provident Fund and Misc. Provisions Act 1952, they had contributed their shares under section 6 of the said Act to the employer, i.e. the Manipur Handloom and Handicraft Dev. Corpn. Ltd.(A Government of Manipur Undertaking) through its Managing Director, Paona Bazar, Imphal, and the respondent no.7 also in their turn again deposited the said shares contributed by the petitioners along with the shares to be contributed by the employer to the concerned authorities under the Employees" Provident Fund and Misc. Provisions Act, 1952.

3. The case of the petitioners which is not disputed by the respondent no.7, is that there was a voluntary retirement scheme of the Govt. of Manipur which was adopted by the Manipur Handloom and Handicraft Development Corporation Ltd. (for short MHHDC). Under the said scheme, the petitioners and others numbering about 108 employees of the MHHDC had opted for voluntary retirement through the said voluntary retirement scheme of the Govt. of Manipur. After they had opted for voluntary retirement, the Managing Director, MHHDC had issued an office order being No.MHHDC/Estt/49/Orders/01/2204, Imphal, the 20th November, 2003 for terminating the services of the petitioners and others on voluntary retirement.

4. The question involved in the present writ petition is that whether the employer, i.e. respondent no.7, had contributed its shares and deposited the contributed shares of the employees and employer to the competent authority or not under the said Act 1952. In order to ascertaining this fact, both the counsel for the respondents, i.e. Mr. K. Kumar Singh, learned Addl.CGSC appearing for the respondents 1 to 4 as well as Mr.H.S. Paonam, learned counsel appearing for the respondent no.7, had been directed to take instructions. To day they have submitted very frankly that the petitioners and their employer, i.e. respondent no.7, had deposited their respective contributions to the competent authority. Mr. Kumar Singh, learned Addl. CGSC appearing for the respondents 1 to 4 submits that some time will be taken for exercising to disburse the amount deposited by the petitioners and their employer in the provident fund in respect of the petitioners, to the petitioners. The learned counsel for the petitioners submits that the petitioners are entitled to get the said amount in pursuance of section 69 of the Employees' Provident Fund and Misc. Provisions Act 1952. Mr. K. Kumar Singh, learned Addl.CGSC and Mr. H.S. Paonam, learned counsel appearing for the respondents 1 to 4 and respondent no.5 respectively have conceded to such submissions made by the learned counsel for the petitioners. However, Mr. Paonam, learned counsel appearing for the respondent no.7 submits that now, it is the duty of the Provident Fund Authority to make payment of the amount contributed by the petitioners and the employer to the petitioners.

5. In the facts and circumstances discussed above, this writ petition is disposed by directing the respondent no.3, i.e.The Regional Provident Fund Commission, North Eastern Region, Guwahati, Assam, and the respondent no.4, i.e. the Enforcement Officer of Provident Fund, Manipur, to disburse the amount contributed by the petitioners and their employer, i.e. the respondent no.7, in the provident fund in respect of the petitioners to the petitioners within a period of 4(four) months from the date of receipt of this judgment and order.

6. With the above observations and directions, this writ petition is allowed. No costs.