



2026:CGHC:9344



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****REVP No. 36 of 2026**

1 - Chhattisgarh Gramin Bank Through General Manager (Administration) Head Office, Mahadev Ghat Road, Sundar Nagar, Raipur Dist. Raipur (C.G.), Current Address Sector 24, Plot No. 47, Village Tuta, Atal Nagar, Naya Raipur, Dist. Raipur C.G.

2 - Regional Manager Chhattisgarh Gramin Bank, Regional Office, T.P. Nagar Korba, District Korba, Chhattisgarh

3 - Regional Manager Chhattisgarh Gramin Bank, Regional Office, Kachhari Chowk, Champa Road, Janjgir, District Janjgir-Champa, Chhattisgarh

... Petitioner(s)**versus**

1 - Smt. Uma Ahirwar W/o Late Mangal Ram Ahirwal Aged About 58 Years R/o Ward No.24, Bharti Nagar, Near Income Tax Office, Bilaspur, District Bilaspur, Chhattisgarh

2 - Employees Provident Fund Organization Through The Commissioner, Regional Office, Block-D, Scheme-32, Indira Gandhi Commercial Complex, Pandri, Raipur, District Raipur, Chhattisgarh

... Respondents



(Cause-title taken from the Case Information System)

For Petitioner :- Mr. N. Naha Roy, Advocate

For respondent No. 1 :- Mr. Anukul Biswas, Advocate

For respondent No. 2 :- Mr. Sunil Pillai, Advocate

Hon'ble Shri Justice Amitendra Kishore Prasad

Order On Board

23.02.2026

1. Heard.
2. The present Review Petition is being preferred by the Petitioner, as the impugned order dated 14.10.2025 suffers from an error apparent on the face of the record, inasmuch as it directs the applicant Bank to disburse the provident fund amount despite the statutory scheme under the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 and the Employees' Provident Fund Scheme, 1952 clearly vesting such authority exclusively with the Provident Fund Commissioner.
3. Following prayer has been made in this petition:-

"It is therefore reverently prayed, that this Hon'ble Court may kindly be pleased to review the order dated 14.10.2025 (Annexure A/1) and correct the same by deleting the relevant portion of paragraph No.: 11 thereby directing the instant applicants to disburse the provident fund amount remaining deposited with the respondent No.: 2 (EPFO), for the applicants herein having no authority over the same at all as explained above, in the paramount interest of justice."



4. Facts of the case are that The respondent No. 1, widow of a deceased employee, filed W.P.(S) No. 9224/2023 challenging the communication dated 31.10.2023 issued by the applicant Bank, whereby she was informed that the employer's contribution earlier deposited under the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 would be required to be returned to the Bank's Pension Fund for disbursement of family pension under the Pension Regulations, 2018, and she consequently sought a direction for disbursement of the provident fund amount of Rs. 3,26,040/- along with consideration of her pension claim. This Hon'ble Court, vide order dated 14.10.2025, allowed the writ petition and directed the applicant Bank to disburse the provident fund amount within six weeks while observing that her pension claim be considered if otherwise eligible. Being aggrieved, the applicant Bank preferred W.A. No. 902/2025 contending that the direction to disburse provident fund is per se contrary to the Act of 1952 and the Scheme of 1952, as the Bank is not the statutory authority competent to release provident fund dues. The Hon'ble Division Bench, vide order dated 09.12.2025, granted liberty to the applicants to approach this Hon'ble Court by way of review on the limited issue of validity of the direction to disburse provident fund.

5. Learned counsel for the applicants submits that the impugned direction compelling the Bank to disburse provident fund dues is ex facie illegal, as the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 read with the Employees' Provident Fund Scheme, 1952 vests exclusive authority for administration, enquiry, and payment



of provident fund with the Provident Fund Commissioner and the statutory authorities under the EPFO, and not with the employer; it is further submitted that Section 2(h) of the Act of 1952 read with the Schedule appended thereto and Clause 72 of the Scheme of 1952 categorically empower the Commissioner alone, particularly in death cases, to determine entitlement and effect payment, while Clauses 72(5)(a) and 72(5)(c) merely impose a ministerial obligation upon the employer to forward duly completed claim forms without conferring any authority to disburse the fund; learned counsel submits that the direction under review thus compels the applicants to act in derogation of binding statutory provisions, constituting an error apparent on the face of the record, and lastly submits that while the applicants have no objection to consideration of the respondent's pension claim strictly in accordance with the Pension Regulations, 2018 as amended, the impugned direction regarding provident fund warrants immediate correction in exercise of this Hon'ble Court's review jurisdiction.

6. Learned counsel for respondent No. 1 submits that the writ petition was rightly allowed as the respondent, being a helpless widow, is seeking release of the lawful dues of her deceased husband and has already suffered undue hardship and delay. It is submitted that the direction issued by this Hon'ble Court was intended to ensure expeditious relief and cannot be faulted on that ground, and that the employer Bank, having deducted and deposited the provident fund contributions during the service tenure of the deceased employee, cannot evade responsibility by shifting the entire burden upon the



EPFO. Learned counsel further submits that the scope of review jurisdiction is narrow and does not permit re-appreciation of the matter on merits. However, without prejudice to the aforesaid submissions, it is fairly stated that if this Hon'ble Court deems it appropriate to modify the impugned direction to the limited extent of routing the payment through the Provident Fund Commissioner, the respondent shall have no objection, provided that her entitlement is not defeated or subjected to further delay.

7. I have heard learned counsel for the parties and perused the material available on record.

8. This Court has directed the respondent Bank to take necessary steps to ensure that all service dues payable in respect of the husband of the petitioner, including provident fund and other admissible retiral benefits, are disbursed in favour of the petitioner, being the legally entitled claimant. The respondent Bank, being a model employer and an instrumentality of the State, is expected to act fairly, reasonably and with due sensitivity, and to extend full cooperation to the petitioner, who is a widow, in securing all lawful dues arising out of the service of her late husband, without subjecting her to unnecessary procedural hurdles or delay.

9. In this review petition, various grounds have been raised assailing correctness of the finding recorded by this Court. The grounds do not make out any case for review and the review petition appears to be more in nature of an appeal in disguise.



10. It is well settled that scope of review jurisdiction is extremely limited and only an error apparent on face of record can be corrected in the said jurisdiction and re-appraisal/re-appreciation cannot be done in exercise of said jurisdiction as that would amount to exercise of appellate jurisdiction which is impermissible in law as has been held in catena of judgments by the Hon'ble Apex Court, such as ***Devaraju Pillai v. Sellayya Pillai***, reported in ***(1987) 1 SCC 61***, ***Meera Bhanja (Smt) v. Nirmala Kumari Choudhury (Smt)***, reported in ***(1995) 1 SCC 170***, ***Avijit Tea Co. Pvt. Ltd. v. Terai Tea Co. and others***, reported in ***(1996) 10 SCC 174***, ***Lily Thomas etc. v. Union of India and others***, reported in ***AIR 2000 SC 1650***, ***Akhilesh Yadav v. Vishwanath Chaturvedi and others***, reported in ***(2013) 2 SCC 1*** and ***Sasi (D) through LRS. v. Aravindakshan Nair and others***, reported in ***(2017) 4 SCC 692***.

11. The grounds raised by the review petitioner in this review petition cannot be permitted to be raised in review petition. Even otherwise, there is no error apparent on the face of record in the order under review warranting invocation of review jurisdiction.

12. Accordingly, the review petition is **dismissed**.

13. No order as to cost(s).

sd/-

(Amitendra Kishore Prasad)
Judge