

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 7874/2022

Regional Provident Fund Commissioner, Nidhi Bhawan, Jaipur
(Raj.), Through Regional Commissioner, Epfo Jodhpur.

-----Petitioner

Versus

1. K.I. Garg S/o Harsukh Das, By Caste- Agarwal, R/o Sector No-6, House No. 305, Hanumangarh Junction, Teh And Dist - Hanumangarh.
2. Secretary, Provident Fund Trust, Rajasthan Rajya Vidhyut Prasaran Nigam Ltd., Vidhyut Bhawan, Vidhyut Marg, Jaipur.
3. Jodhpur Vidhyut Vitran Nigam Ltd., Th. Superintending Engineer (O And M), Jodhpur Vidhyut Vitran Nigam Ltd. Hanumangarh Junction.
4. Accounts Officer, Jodhpur Vidhyut Vitran Nigam Ltd. Hanumangarh Junction.

-----Respondents

For Petitioner(s)	:	Mr. M.R. Pareek
For Respondent(s)	:	Mr. Vivek Aggarwal Mr. Anupam Goyal Vyas

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

24/02/2026

1. The present civil writ petition under Article 227 of the Constitution of India has been preferred by the petitioner challenging the warrant of attachment dated 11.04.2022 issued by the learned Civil Judge, Hanumangarh, in execution of the award dated 20.07.2010 passed by the Permanent Lok Adalat, Hanumangarh.

2. Learned counsel for the petitioner submits that respondent No. 1 was an employee of the erstwhile Rajasthan Electricity Board and joined service on 23.01.1962. He retired on 31.05.2002 pursuant to an application for voluntary retirement. He became a member of the Family Pension Scheme, 1971 governed by the Employees Provident Fund Organisation in the year 1971 and, thereafter, opted for the pension scheme introduced by his department in 1988. Upon retirement, he applied for withdrawal of his General Provident Fund, and a sum of Rs.4,17,031/- stood accumulated in his account as on 11.12.2002. His pension was also duly determined. Subsequently, respondent No. 1 sought refund of the contribution made by him to the Employees' Provident Fund Department, which came to be rejected. Aggrieved thereby, he filed an application before the Permanent Lok Adalat, Hanumangarh seeking refund of the accumulated amount along with interest. The Permanent Lok Adalat, vide award dated 20.07.2010, directed refund of the amount lying deposited in the employee's EPF account with interest. The petitioner preferred a review application, which was partly allowed vide order dated 05.02.2018, whereby the expression "EPF" was substituted with "FPF".

3. Learned counsel further submits that the petitioner, being aggrieved by the award of the Permanent Lok Adalat, initially filed Writ Petition No. 12747/2018, which was dismissed with liberty to file a fresh petition. Accordingly, Writ Petition No. 639/2020 was instituted. During the pendency of the said writ petition, the

learned Executing Court initiated execution proceedings and issued the impugned warrant of attachment dated 11.04.2022.

4. It is further submitted that in the subsequent writ petition, a specific ground was raised to the effect that pension matters do not fall within the ambit of “public utility services” and, therefore, were beyond the jurisdiction of the Permanent Lok Adalat.

5. Learned counsel for the petitioner contends that since the award in question had been assailed by way of a writ petition and the matter was pending consideration, the executing court ought not to have proceeded with execution in the absence of final adjudication. It is submitted that the executing court has exceeded its jurisdiction by issuing the warrant of attachment while the challenge to the award was still subsisting.

6. In support of his submissions, learned counsel has placed reliance upon the judgment of the Hon’ble Supreme Court in ***Rameshwar Dass Gupta v. State of U.P. & Anr.***, reported in **(1996) 5 SCC 728**, wherein the scope and limitations of the powers of an executing court have been delineated.

7. Learned counsel for the respondent No. 1 submits that Writ Petition No. 639/2020 came to be dismissed pursuant to a peremptory order. Thereafter, Writ Restoration No.142/2024, filed seeking restoration of the said writ petition, was also dismissed vide order dated 03.12.2024 on account of non-appearance on behalf of the petitioner and failure to cure the defects pointed out by the Registry. The order dated 03.12.2024 reads as under:

“This petition seeking restoration of the writ petition, dismissal of which was recorded as per peremptory order passed by a co-ordinate Bench of this Court on 06.12.2023, was filed on 03.05.2024.

When called out for hearing, neither there is any representation on behalf of the petitioner nor the defects pointed out by the Registry have been cured despite granting opportunities.

Restoration petition is dismissed, with liberty to revive the proceedings, in case, any cause still survives for adjudication."

8. Learned counsel for the respondent further submits that as the writ petition challenging the award as well as the subsequent restoration application, have already been dismissed, the learned Executing Court was fully justified in proceeding with the execution and issuing the warrant of attachment.

9. Heard learned counsel for the parties and carefully perused the material available on record.

10. A scrutiny of the record indicates that the award dated 20.07.2010 has neither been quashed nor stayed by any court of competent jurisdiction. The writ petition assailing the said award was dismissed in default and the application seeking its restoration was also rejected, *albeit* with liberty to revive the proceedings if any cause survives. Admittedly, the writ petition has not been restored to date. Therefore, the award remains in currency and executable.

11. In the absence of any interim order operating in favour of the petitioner and in view of the dismissal of the writ proceedings, no jurisdictional infirmity or manifest illegality can be attributed to the learned Executing Court in issuing the warrant of attachment dated 11.04.2022.

12. It is well settled that the supervisory jurisdiction of this Court under Article 227 of the Constitution is limited in scope and is to be exercised sparingly, only where there is patent lack of

jurisdiction or gross perversity. No such circumstance is demonstrated in the present matter.

13. In view of the aforesaid discussion and having regard to the overall facts and circumstances of the case, this Court is not inclined to entertain the present civil writ petition.

14. Accordingly, the writ petition stands dismissed. However, the petitioner shall be at liberty to seek appropriate relief in accordance with law in the event S.B. Civil Writ Petition No. 639/2020 is restored.

(MUKESH RAJPUROHIT),J

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