

14.12.2023  
Court No. 13  
Item No. 168 & 169  
AP

**WPA 18750 of 2023**  
**Bally Jute Company Ltd.**  
**Vs.**  
**Regional Provident Fund Commissioner and Ors.**

**With**

**WPA 22721 of 2023**  
**Birla Corporation Limited and Anr.**  
**Vs.**  
**Regional Provident Fund Commissioner-II,**  
**Employees Provident Fund Organization and Ors.**

Mr. Soumya Majumder

Mr. Barnamoy Basak

... For the Petitioner in WPA 18750 of 2023 and  
Respondent No.8 in WPA 22721 of 2023.

Mr. Partha Bhanja Chowdhury

Mr. Bhaskar Mukherjee

... For the Petitioner in WPA 22721 of 2023 and  
Respondent No.3 in WPA 18750 of 2023.

Mr. Anirban Kar

Mr. Munshi Ashiq Elahi

Ms. Snigdha Das

... For the Respondent No.2 in 18750 of 2023 and  
Respondent No.3 in WPA 22721 of 2023.

Mr. Shiv Chandra Prasad

... For the Provident Fund Authority.

1. The short question that comes for consideration is an order of the Appellate Authority under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 acting against the first authority's order under Section 17.

2. The facts as placed before this Court are, inter alia, that a certain number of employees were engaged by the Bally Jute Mill, as sale learners and/or apprentices from the year 1993 to 1996. Some of them were subsequently absorbed as regular workmen in the establishment. During the relevant period, the jute mill was under the control of

the Birla Corporation Limited. The management changed hands in the year 1997 when the petitioner company came into existence.

3. The dispute appears to have been raised for the first time in the year 2010 as to whether for the period of apprenticeship for the 3 years, the persons concerned were workmen.

4. There are disputed questions of fact. With the passage of time by the year 2010 and during the pendency of the proceedings under Section 7A before the Appellate Authority, a number of persons have retired. Dues, including provident fund dues, to such persons, have been settled.

5. The Birla Corporation Limited is unlikely to keep records of a jute mill that was under its control in April 1997. The Provident Fund Authorities definitely have such records. The workmen and their representatives before the Statutory Authority appear to be quite lost and clueless. Exorbitant figures of workmen and liabilities are being claimed.

6. This Court is of the view that given the aforesaid observations that the concerned apprentices, might have been deemed workmen entitled to Provident Fund deposits. The quantum and number of identifiable persons needs to be ascertained in the first place. The Provident Fund Authorities shall forthwith look into their records and

determine the number of persons, who have already left the employment of the jute mill as on 2010 and thereafter.

7. The Union as well as the employers past and present shall extend necessary cooperation.

8. Let a preliminary report be prepared by the Provident Fund Authorities and be circulated between the parties. After an appropriate ascertainment of the number of workers, who are presently entitled to the deposit of Provident Fund for the aforesaid period from 1993 to 1996, a detailed report shall be placed by the Provident Fund Authorities for the consideration of this Court.

9. Given the fact that the dispute was raised for the first time in the year 2010, after nearly 16 years of the alleged liability and/or alleged impropriety by the establishment, the bona fides of the claims of the workman and their quantum before the Provident Fund Authorities appears to be seriously questionable.

10. It is equally true that if there is any liability outstanding to any present workmen, the employer shall be liable for the same. Any Provident Fund due towards any available and identifiable workmen past and/or present would under the statute and before this Court.

11. List the matter four weeks hence when the RPFC, Howrah shall produce the report before this Court.

12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Rajasekhar Mantha, J.)**