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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1062/2020

**CACHAR PAPER PROJECT WORKERS
UNION (INTUC)**

..... Petitioner

Through Mr. Colin Gonsalves, Sr. Adv. with
Mr. Siddharth Seem, Adv.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through Mr. Dev Prakash Bhardwaj, CGSC for
UOI.

Mr. Rajesh Kumar, Adv. for EPFO.

Mr. Ramesh Babu M.R. and Ms. Nisha, Adv. for
RBI.

Mr. Vivek Sibal and Mr. Rahul Sharma, Adv. for
Liquidator.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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01.07.2020

This hearing is conducted through Video-Conferencing.

1. On the last date of hearing, namely, 21.05.2020, this court had passed the following directions to EPFO:-

“4. Learned senior counsel appearing for the workmen states that despite earlier directions of this court and the transfer of Rs.157.35 crores to EPFO, the workers have not yet received any amounts pursuant to orders of this court.

5. Learned counsel appearing for EPFO states that unless the necessary statutory forms are filled up the payments cannot be

released.

6. Learned counsel appearing for the liquidator has pointed out that in the affidavit filed by the liquidator in para 5 the names of the officers who have been nominated to assist these workers in filling up the necessary forms have been stated. The said officers will make efforts to contact each of the workers and ensure necessary formalities are completed.

7. Similarly, EPFO will also nominate a team of three officers, if not already done, and inform learned counsel for the petitioner the names, phone numbers and e-mails of the said officers, so nominated. The officers so nominated by EPFO and the officers who have also been nominated by the liquidator will ensure that they contact each of the workers either physically or through other communications and ensure that necessary formalities are completed.

8. Needful will be done within three weeks so that the process of disbursement of the Provident Fund amount payable to the workers is completed.

9. Needful payments be released within five weeks from today.

10. It is clarified that EPFO will commence the payment to the workers whose formalities have been duly completed forthwith and will not keep waiting for the entire exercise to be completed before release of funds to individual worker.”

2. Now, an additional affidavit has been filed on behalf of the petitioner whereby it has been pointed out that EPFO is making the workers sign Form 19 for release of their provident fund dues. It is pleaded that the relevant form which the workers should be signing is Form 31 and not Form No. 19 inasmuch as Form 19 is filled up when a worker has either resigned or has ceased to be in employment.

3. Learned senior counsel for the petitioners submits that the workers continue to remain in employment and cannot be treated as resigned. He further submits that EPFO is closing the provident fund accounts after having made necessary payments.

4. Learned counsel for EPFO however submits that EPFO has received 260 forms of Form-19 from the workers and has already made necessary disbursements. He also confirms that the provident fund accounts of the workers on making the necessary payments after receipt of Form 19 are not being closed. He further states that Form 19 is the relevant form in these facts and circumstances.

5. Let the workers fill the said Form 19 and handover to EPFO for their provident fund dues. It is made clear that execution of Form 19 by any of the workers would be without prejudice to the rights and contentions of the workers that they continue to be in the employment of the company in question.

6. With the above clarification, the order of this court dated 21.05.2020 shall now be forthwith complied by EPFO.

7. Learned counsel appearing for the Liquidator has also drawn my attention of another direction made on 21.05.2020, namely, the fact that a sum of Rs. 58.82 crores was to be transferred from the securities of HDFC Bank Ltd. and ICICI Prudential Mutual Fund. Learned counsel for the Liquidator states that these payments have been released. However, he submits that there are now certain securities which are still lying with HDFC Bank which are valued at Rs.54.57 crores. Some of the securities are secured and some are unsecured. He further states that a direction may be given to HDFC Bank to sell off the securities and transfer the funds to EPFO.

8. Learned counsel for EPFO however states that he would like to take instructions in this regard.
9. Let a necessary response of EPFO be filed within 2 weeks from today.
10. List on 07.08.2020.

JAYANT NATH, J

JULY 01, 2020

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