

Court No. - 7

Case :- WRIT - A No. - 7794 of 2023

Petitioner :- Smt. Sudama

Respondent :- State Of U.P. Thru. Prin. Secy. Cane Development And Sugar Industries Deptt. Lko. And 4 Others

Counsel for Petitioner :- Sanjay Kumar Singh

Counsel for Respondent :- C.S.C.,Indu Prakash Singh

Hon'ble Abdul Moin,J.

Heard learned counsel for the petitioner, learned Standing Counsel for the respondent no. 1, Shri Indu Prakash Singh, learned counsel for the respondent no. 2 and Shri K. K. Singh, learned counsel for the respondent no. 3.

No notice be issued to respondents no. 4 and 5 taking into consideration the nature of order proposed to be passed.

The instant writ petition has been filed by the widow of the deceased employee of the respondent Mill claiming that despite her husband having died in harness on 06.02.2022 certain dues as admissible to the petitioner have still not been paid.

On the other hand, Shri K. K. Singh, learned counsel for the respondent no. 3 points out that the respondent Mill vide the order dated 20.09.2022, a copy of which is annexure 4 to the petition, has required the petitioner to approach the respondent no. 3 Mill alongwith a no dues certificate so that the amount of group insurance and leave encashment can be paid to her. So far as the amount due towards the employee provident fund is concerned the said amount is to be paid by the respondent no. 5 with which the respondent Mill has no concern.

Responding to that, learned counsel for the petitioner contends that the petitioner would be willing to go on any date to the respondent no. 3 Mill and prays that the said no dues certificate be issued to her on the said date. To the aforesaid proposition

Shri K. K. Singh, learned counsel for the respondent no. 3 has no objection.

Considering the aforesaid, the writ petition is **disposed of** leaving it open for the petitioner to approach the respondent no. 3 Mill on 18.10.2023. On the said date Shri K. K. Singh, learned counsel for the respondent no. 3 would instruct the competent authority to issue no dues certificate to the petitioner in accordance with law and relevant rules and in case the no dues certificate is issued the dues as admissible to the petitioner would be paid within next one week.

So far as the amount of provident fund is concerned, it is open to the petitioner to submit an application in this regard to respondent no. 5 within a period of two weeks from today. In case such an application is filed the respondent no. 5 shall consider and decide the same in accordance with law and relevant rules within a period of six weeks from the date of receipt of the said application alongwith a certified copy of this order.

Order Date :- 10.10.2023
J.K. Dinkar