

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5101 of 2011

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Mostt. Raj Kumari Devi Wife Of Late Ramesh Prasad Resident Of Village -
Hinduni, Post - Alampur, Police Station - Phulwarisharif, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Industries Department, Bihar, Patna
3. The Joint Secretary, Industries Department, Bihar, Patna
4. The Managing Director, Bihar State Handloom And Handicraft Corporation Ltd. Udyog Bhawan, Gandhi Maidan, Patna
5. The Chief Account Officer, Bihar State Handloom And Handicraft Corporation Limited, Udyog Bhawan, Patna
6. Dilip Kumar S/O Late Ramesh Prasad Resident Of Village - Hinduni, Post- Alampur, Gonpura, Police Station - Phulwarisharif, Distt.- Patna
7. The Regional Employees Provident Fund Commissioner, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv
For the Respondent No. 5 : Mr. Dr. Anand Kumar, Adv For the
Respondent No. 7 : Mr. S.K. Dutta, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

6 20-05-2015 Heard learned counsel for the parties.

Having regard to the claim of the petitioner for payment of death cum retirement benefit as also other legal dues on account of death of her husband, late Ramesh Prasad, an employee of Bihar State Handloom and Handicraft Corporation Limited (hereinafter referred to as the Corporation), this Court now in view of the counter affidavit filed by respondent no. 7 would

find at least the claim of provident fund of late Ramesh Prasad, can be settled, if the steps suggested in paragraph nos. 4, 5 and 6 in the counter affidavit of respondent no. 7 is completed, inasmuch as, it has been said therein:-

“That the deponent confines the reply only with regard to the paragraph (ii) of paragraph 10 of the writ application. It is further stated that as per the EPF & EPS Scheme Provision, the claimant (the petitioner) has to file her claim for PF amount and pension in the prescribed forms i.e Form 20 (in the death case) and Form 10D for monthly pension addressed to the employer. The employer in turn after verifying the details will forward the application to the office of the Regional Provident Fund Commissioner concerned along with necessary enclosures i.e. photo, descriptive roll, death certificate of the employee, CBS Bank accounts details etc. Here in this case of the petitioner till date, no such claim forms have been forwarded by the employer of the deceased employee i.e. the husband of the petitioner.

That it is further stated regarding the dues amount of the deceased employee Late Ramesh Prasad, bearing account no. BR/1068/25, with respect to the Provident Fund Amount as per the system generated in the Computer as available balance for Accounting year 2015 as being noted under:-

<i>Employees share</i>	<i>Employers share</i>
<i>Rs. 16,763.00</i>	<i>Rs. 1,11,872.00</i>

That it is stated that the appropriate action will be taken regarding the payment of Provident Funds amount and monthly pension etc. only after the receiving of such duly forwarded Claim Forms in the prescribed Form 20 & 10D of the petitioner through the employer of the deceased employee. Anything stated contrary to it are hereby denied.”



In that view of the matter, this Court would direct the petitioner to immediately approach the office of Managing Director of the Corporation, who will do the needful, so her application for release of the amount of provident fund is sent to the office of the Provident Fund Commissioner. It is made clear that the Managing Director of the Corporation, shall not delay the matter, in any manner and do the needful on his part immediately on being approached by the petitioner and fulfilling the requirement as explained in paragraph no. 4 of the counter affidavit filed by the office of Provident Fund Commissioner. This Court would also direct the authorities of the office of Provident Fund Commissioner that as soon as the formalities are completed by the Corporation, the payment of amount of provident fund with up-to-date statutory interest must be paid to the petitioner within a maximum period of 15 days from the date of receipt of the application and recommendation of the Corporation.



As with regard to the other retirement benefits, this Court would not like to observe anything for the present but then this has to be made clear that as and when payment of retirement benefit would be made by the Corporation to its other retired employees, the petitioner shall also be paid such amount strictly as per the date of death of her husband, if anyone retiring on 31.03.2006 has already been paid the amount of retirement benefit. In other words if the Corporation shall pay anyone the amount of other retirement benefits, the retirement benefit of late Ramesh Prasad shall also be paid to the petitioner, when payment shall be made to other retired employees of the Corporation superannuating as on 31.03.2006.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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