

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP(L) No. 195 of 2016**

Smt. Kalawati Rathiya W/o Phulsingh Rathiya, Aged About 60 Years
R/o Village Gidha, Tahsil & P.S. Kharsiya Distirct Raigarh Chhattisgarh
----- **Petitioner**

Versus

1. Food Corporation of India Through Its Secretary, No 10-20 Khadhya Sadan Barakhamba Road, Delhi, 110001.
2. The Area Manager, Food Corporation India Area Bilaspur Anurag Bhawan Maharana Pratap Chowk, Bilaspur, District Bilaspur Chhattisgarh
3. The Manager, Food Corporation Agar Kharsiya, Distirct Raigarh Chhattisgarh.

----- **Respondents**

For Petitioner : Shri Manoj Jaiswal, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****26/10/2016**

1. The petitioner through the present writ petition has sought for a direction to the respondents to take a decision so far as payment of CPF/pension and other monetary dues lying in the credit of the Husband of the petitioner.
2. According to the petitioner, her Husband had gone to a pilgrimage to the holly shrine Baba Baijnath Nath Dham in the month of September, 2011, however, from there he has gone missing and could not be traced in spite of best efforts being made. Missing report in this regard was also lodged by the family members of the petitioner as early as on 14.09.2011 before the Police Station, Devghar, Jharkhand. It is

submitted that more than six years have passed, but her husband could not be traced out and it appears that he has gone missing with no information to the family members whatsoever. In the light of the peculiar facts and circumstances of the case, the petitioner had moved an application before the concerned authority on 12.09.2016 for releasing the CPF amount lying in the credit of the Husband of the petitioner and other monetary dues which she is entitled for payment.

3. According to the petitioner, no decision has been taken by the respondents in this regard and that she is facing great difficulties in meeting both ends, and therefore she requires the payment which is otherwise in the credit of Husband's name and as such the same may be released her.
4. In the opinion of this court, ends of justice would meet if the present writ petition is disposed of with a direction to the respondents No.1&3 to take an appropriate decision in the petitioner's case in accordance with clause 4 & 5 of circular of the respondent's organization dated 24.06.2013 which deals with the situation where the employee goes missing.
5. It is expected that the respondents No.1&3 shall take a final decision in the matter and pass a speaking order within a period of three months from the date of production of a copy of this order. No order asto costs.

Sd/-
(P.Sam Koshy)
Judge