

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.1172 of 1999 (O&M)
Date of Decision: 02.09.2016

Dayal Chand Gandhi and others

... Petitioners

Versus

Regional Provident Fund Commissioner
and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. B.R. Vohra, Advocate,
for the petitioners.

Mr. Rajesh Hooda, Advocate,
for respondent No.1.

RAJIV NARAIN RAINA, J.

1. This petition has to be dismissed after Mr. Hooda has explained the facts on the case and the crucial aspect of suppression of material fact by the petitioners who are the husband, son and daughter of late Smt. Sudershan Gandhi who was a teacher in Hindu Kanya Varisht Madhayamik Vidayalya, Sonapat when they have withheld the fact that after the death of Smt. Sudershan Gandhi they had withdrawn an amount of Rs.1,47,073/- on October 03, 1996 lying to the credit of the late teacher in her Contributory Provident Fund account maintained by the school. Smt. Sudershan Gandhi died on January 24, 1996. She had been appointed to the school on July 25, 1972.

2. Mr. Rajesh Hooda representing the Regional Provident Fund Commissioner, Faridabad, Haryana submits that the organization came into the picture for the first time only on November 07, 1998 when the CPF

amounts of the staff in the school were transferred to the organization to be administered by it for the beneficial use of its members. However, since there was no money lying in the CPF account in the school to the credit of Smt. Sudershan Gandhi since it has been withdrawn by her LRs, then by general transfer of the CPF amounts lying in the respondent-Vidayalya, no amount representing the property and estate of late Smt. Sudershan Gandhi was available by succession and inheritance and therefore the Provident Fund Organization did not owe any legal duty, moral obligation or responsibility to pay pension and insurance benefits under the schemes framed under the Employees' Provident Fund & Miscellaneous Provisions Act, 1952 since Smt. Sudershan Gandhi never became a member of the Fund/Schemes during her lifetime and before the actual coverage took place her rights had not matured to be passed on to the LRs having decamped with the CPF dues and suppressing this fact in the petition.

3. Any direction issued in favour of the petitioners as claimed by them would lead to unjust enrichment which this Court will block when brought to its notice.

4. No ground is made out for interference.

5. The petition stands dismissed on suppression of material fact and on merits as well. I hesitate to impose costs since the matter was admitted long ago.

(RAJIV NARAIN RAINA)
JUDGE

02.09.2016
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Whether speaking/reasoned Yes

Whether reportable No