

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1206 of 2014
IN
Civil Writ Jurisdiction Case No. 7657 of 2013**

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Ram Pari Devi Wife of Late Phulena Prasad Singh resident of village -
Mokhtiarpur, P.S. Bhagwanpur, District - Begusarai at present Residing At Sahaja
Nand Nagar Ward No. 40, P.S. and District - Begusarai

.... Appellant/s

Versus

1. The Union of India through the Secretary, Urvarak and Chemical Ministry Govt. of India, New Delhi
2. The Hindustan Fertilizer Corporation Ltd., through its Chairman Cum Managing Director office at P.P.C.L. House No. 12 A Sector 24 NOIDA Uttar Pradesh Pin - 201301
3. The Chairman Cum Managing Director, Hindustan Fertilizer Corporation Ltd., at PPCL House 12 A Sector 24 NOIDA Uttar Pradesh Pin - 201301
4. The General Manager, Hindustan Fertilizer Corporation Ltd. Barauni Unit District Begusarai, Bihar
5. The Incharge (Finance) Hindustan Fertilizer Corporation Ltd. Barauni Unit District Begusarai, Bihar
6. The Personnel Officer Hindustan Fertilizer Corporation Ltd. Barauni Unit District Begusarai, Bihar
7. The Assistant Commissioner Provident Fund Muzaffarpur

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Sumiran Singh
For HFCL : Mr K N Gupta
For EPFOI : Mr. Prashant Sinha.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 06-11-2017



Seeking exception to an order dated 02.07.2014 passed by the learned Writ Court in CWJC NO. 7657 of 2013 this appeal has been filed under Clause 10 of the Letters Patent.

Petitioner's husband late Phulena Prasad Singh was working as an employee of Hindustan Fertilizer Corporation Limited in Barauni Unit. He had died in a road accident on 05.06.2000 and claiming family pension the writ petition in question was filed. The learned Writ Court examined the issue in detail and found that the unit has been declared as a sick unit and as the scheme for family pension which was run by a Trust formulated by the Company under the Employees Provident Fund and Misc. Provident Fund Act itself has been closed and all the amount payable to the petitioner towards compensation have been paid. The grounds based on which compensation was having already exhausted and the scheme being non-existent the learned Writ Court has refused to grant of provident fund to the petitioner.

In our considered view once the scheme for family pension itself has been abandoned due to closure of the unit itself and such scheme was run by a Trust and the petitioner having received all the amount contracted towards the scheme amount now claim after the scheme itself is non-existent scheme.

Taking note that the claim of the petitioner has been



dismissed we see no reason to make any indulgence in the matter.

The appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mrl./-

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