

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.427 of 2017

Sakharam, S/o Late Bish Ram, Age 40 years, R/o Village Ulkhar,
P.S. & Tahsil Sarangarh, District Raigarh (C.G.)

---- Petitioner

Versus

1. South Eastern Coalfields Limited, through its General Manager, SECL, Vasant Vihar, Bilaspur, Police Station Sarkanda, Tahsil & District Bilaspur (C.G.)
2. Sub Area General Manager, SECL, Bagli Project, Surakachhar, Korba, District Korba (C.G.)
3. Regional Commissioner, Coal Mines Provident Fund, Seepat Road, Bilaspur, Near Police Station Sarkanda, Tahsil & District Bilaspur (C.G.)

---- Respondents

For Petitioner:	Mr. Ajay Shrivastava, Advocate.
For Respondents No.1 & 2:	Mr. Vinod Deshmukh, Advocate.
For Respondent No.3:	Mr. Raj Kumar Gupta, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

03/02/2017

1. The petitioner's father died while working in South Eastern Coalfields Limited (SECL), Bagli Project, on 26-9-2012. The petitioner filed an application for succession certificate under Section 372 of the Indian Succession Act impleading his brothers and sisters as party and the succession court on 19-11-2014 granted succession certificate in favour of the petitioner for the amount deposited by Late Shri Bishram with the SECL which has been released in favour of the petitioner. The petitioner has also claimed the amount of Coal Mines Provident Fund (CMPF) before respondent No.3. The SECL has by its memo dated 6-6-2016

recommended to respondent No.3 that such an amount of CMPF be released in favour of the petitioner, but respondent No.3 has rejected the same on the ground that in the succession proceeding, CMPF was not impleaded as party respondent and CMPF account number has not been given. In the return filed, same has been reiterated by the CMPF.

2. Mr. Raj Kumar Gupta, learned counsel appearing for respondent No.3, submits that succession certificate was granted by the succession court in which brothers and sisters of the petitioner were party whereas, it is the case of respondent No.3 that five brothers and sisters of the petitioner have been nominated in the list of surviving members of the family of the deceased employee and therefore the entire amount cannot be disbursed to the petitioner alone.
3. Mr. Ajay Shrivastava, learned counsel appearing for the petitioner, would submit that other family members of the deceased employee i.e. brothers and sisters of the petitioner are ready and willing to file affidavit in favour of the petitioner.
4. Be that as it may, since succession certificate has been granted in of the petitioner and other brothers and sisters of the petitioner are ready and willing to file affidavit in favour of the petitioner, it would be expedient to direct that if the petitioner's brothers namely Tularam Nirala and Siyaram Nirala and the petitioner's sisters namely Smt. Samarin, Smt. Hembai and Smt. Shyambai file duly constituted affidavits separately in favour of the petitioner forgoing their rights before the CMPF within four weeks from today and if the petitioner files affidavit that they have no

objection, respondent No.3 authority would consider and release the amount of the CMPF in favour of the petitioner, expeditiously. It is ordered accordingly.

5. With the aforesaid observation, the writ petition finally stands disposed of. No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma