

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3898 of 2015

1. Smt. Rewati Bai Wd/o Late Puniram, Aged About 60 Years R/o Itabhatta, Dafai, Haldibadi, Chirmiri, District Korea, (Chhattisgarh)

---- Petitioner

Versus

1. South Eastern Coalfields Limited Through Its Chairman-Cum-Managing Director, Seepat Road, Bilaspur, District Bilaspur, (Chhattisgarh)
2. The Chief General Manager, South Eastern Coalfields Limited, Chirmiri Area, District Korea, (Chhattisgarh)
3. The Sub Area Manager, N.C.P.H. Colliery, Chirmiri, District Korea, (Chhattisgarh)
4. Regional Commissioner, CMPF Office, Gupteshwar Bhawan, Saktinagar, Jabalpur (MP).

---- Respondent

For Petitioner
For Respondents/SECL

Ms. Sharmila Singhai, Advocate
Shri H.B. Agrawal, Sr. Adv. with Ms. Meera Jaiswal, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

11/05/2017

1. Petitioner's late husband namely; Puniram was an employee of the SECL. He died in harness on 5-12-1997. Petitioner, thereafter, moved civil suit No.27-A/1998 wherein the petitioner has been declared as the legally wedded wife of Late Shri Puniram. On that basis the petitioner claimed the amount of CMPF deposited in the account of Late Shri Puniram. When the claim was not settled, the

petitioner preferred WP No.1917 of 2001, which was decided on 29-1-2013 directing the respondents to decide the claim of the petitioner for grant of Provident Fund by taking into consideration the decree passed by the Civil Court and the findings recorded by the writ Court.

2. As per the return filed by the respondents, after the order passed in WP No.1917 of 2001, the petitioner has already been paid an amount of Rs.8,32,026/-, however, admittedly the family pension has not been allowed in favour of the petitioner.
3. Having heard learned counsel for the parties, it appears the petitioner has never moved before the Regional Commissioner, CMPF, for releasing the family pension, therefore, the writ petition is disposed of with a direction that if the petitioner moves an application before the CMPF Commissioner claiming family pension within one month from today, the said authority shall consider and decide the petitioner's claim keeping in view the order passed by the Civil Court, the earlier order passed in WP No.1917 of 2001 and the present order and thereafter pass speaking order settling the claim of the petitioner within a period of three months from the date of submission of application by the petitioner.

Sd/-

Gowri

Judge
Prashant Kumar Mishra