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11.08.2021
Ct. No.10
b.das

W.P.A. 12089 of 2021

(Via Video Conference)

Shanti Devi

Vs.

The Regional Provident Fund Commissioner-I & Ors.

Ms. Arundhati Banerjee

Mr. K. Banerjee for the petitioner.

Mr. Sukanta Ghosh

.... for the respondent nos.1 to 3.

The grievance of the petitioner is directed against the refusal of the Provident Fund Authorities being the respondent nos. 1 and 2 to expeditiously settle and pay the dues payable to the petitioner on account of the death of her husband.

Admittedly, the husband of the petitioner was a lifetime employee of the respondent no.4 which is a registered employer under the Employees Provident Fund Organisation. On 6 April, 2012 the husband of the petitioner expired. It is further alleged that since the expiry of the petitioner's husband the petitioner has been seeking the dues payable to her on account of Provident Fund and Pension Scheme.

In this context, the petitioner also relies on a letter dated 13 March, 2021 written by the Advocate of the petitioner to the respondent authorities. It is also alleged on behalf of the petitioner that notwithstanding receipt of the letter dated 13 March, 2021 the respondent Provident Fund Authorities have simply by a letter dated 22 April, 2021 forwarded the same to another Department and have taken no further steps for disbursing the aforesaid amount either on account of provident fund or pension payable to the petitioner.

The respondent Provident Fund Authorities are represented and hand over a chart showing the total dues payable to the petitioner. It is further submitted on behalf of the respondents that since the employer of the petitioner's husband i.e. the respondent no.4 had wrongfully continued to deposit their share of statutory dues to the respondent authorities till June 2013 and there is some confusion as to what the respondent authorities should do with the balance amount.

The facts of this case reveal a sorry state of affairs in the working of the Office of the respondent Provident Fund Authorities. Notwithstanding the petitioner's husband having expired as far back as on 6 April, 2012 the petitioner has yet not received any dues either on account of Provident Fund or on account of Pension and is simply being made to run from pillar to post.

I am of the view that there is no earthly reason as to why the petitioner or any other citizen should be made to wait for a period of more than a decade to receive what is his or her legal entitlement which is not even denied nor disputed by the employer i.e. the respondent no.4.

It is fairly submitted on behalf of the petitioner that she is only seeking the provident fund dues payable till the death of her husband i.e. 6 April, 2012. In view of the aforesaid, the respondent nos.1 and 2 are personally directed to oversee the handing over of the cheque of the entire provident fund dues payable on account of the death of the petitioner's husband to the petitioner expeditiously and positively within a period of two weeks from the date of communication of this order. The respondent provident fund are also directed to pay the monthly pension to the petitioner in accordance with law timely and punctually.

Insofar as the balance amount is concerned, i.e. paid by the respondent no.4 to the respondent Provident Fund Authorities (from the death of the petitioner's husband on 6 April, 2012 till June 2013) the same may be refunded back to the employer i.e. respondent no.4 expeditiously.

With the aforesaid directions, WPA 12089 of 2021 stands disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Ravi Krishan Kapur, J.)