

WPA 4089 of 2022

Epsita Biswas
Vs.
Union of India & Ors.

Mr. Sourav Banerjee
Mr. A. Dutt ...for the petitioner.

Mr. Shiv Chandra Prasad
Mr. N. K. Gupta ...for the P.F. authority.

Heard learned counsels for the parties.

The petitioner claims to be the sole nominee of Prasanta Biswas, since deceased and after expiry of Prasanta Biswas, filed a composite claim for disbursement of the provident fund dues of the deceased.

The petitioner alleges that such application was not accepted by the authority.

It is submitted on behalf of the P.F. authority that the application was not in proper form and relevant documents have not been annexed to such application.

It appears that Prasanta Biswas expired on 11th October, 2021 and the nomination and declaration form (annexure P-2 to the writ petition) discloses that the petitioner being the sister-in-law of the deceased was recorded as the nominee of the deceased.

In view of the same, this Court is inclined to hold that the provident fund authorities should be directed to receive the application for composite claim made by the

petitioner and consider the same after hearing the petitioner, within a reasonable time frame.

Accordingly, the writ petition is disposed of directing the 4th respondent to receive the composite claim application made by the petitioner and consider and dispose of the same within two months from the date of receipt thereof, after affording reasonable opportunity of hearing to the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereafter.

In the event the petitioner is found eligible for grant of provident fund dues of the deceased, the due amount should be disbursed in favour of the petitioner within a month thereafter.

It is made clear that this Court has not gone into the merits of the case and the petitioner shall be at liberty to place her contention as made out in the writ petition before the authority at the time of hearing.

With the above observations and directions this writ petition being WPA 4089 of 2022 is disposed of.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

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

(Suvra Ghosh, J.)