

S/L 1
03.08.2023
Court. No. 29
Sourav

**WPA 17691 of 2013
With
CAN 1 of 2023**

**Angeja Khatun
Vs.
W.B.S.E.D.C.L. & Ors.**

*Mr. Sudeep Sanyal
Mr. Snehasis Jana
Mr. Dibasish Basu
Mr. Chandrachur Lahiri*

...for the petitioner.

*Mr. Srijan Nayak
Mrs. Rituparna Maitra*

...for W.B.S.E.D.C.L.

*Mr. Shiv Chandra Prasad
Mr. Nikhil Kumar Gupta*

...for the P.F. Authority.

In Re: CAN 1 of 2023

1. Since original CAN 1 of 2023 is not available in the file, an authenticated copy of CAN 1 of 2023 and the authenticated copy of the filing receipt as filed on behalf of the petitioner be taken on record.
2. By filing CAN 1 of 2023, the petitioners being the legal heirs of the original writ petitioner who has died on 08.01.2022 has sought for substitution in place and stead of the original writ petitioner.
3. Perused the petition under consideration. Heard learned advocate for the parties. Prayer is allowed. Let the names and other particulars of the petitioners of CAN 1 of 2023 as available in the cause title of the instant petition at page 4 be incorporated in the cause title of the writ

petition by deleting the name of the original writ petitioner 'Angeja Khatun'.

4. In view of such, CAN 1 of 2023 is disposed of.

In Re: WPA 17691 of 2013

1. After passing of the above order, the instant writ petition being WPA 17691 of 2013 is taken up for hearing in presence of the learned the learned advocate for the substituted petitioners, learned advocate for the respondent no. 1/W.B.S.E.D.C.L. and learned advocate for the respondent no. 2/Provident Fund Authority.
2. Learned advocate for the substituted writ petitioners at the very outset draws attention of this Court to the order dated 12.04.2023 whereby and whereunder this Court directed to refer the instant matter for mediation with a direction to the writ petitioner and the nominated officers of the respondent nos. 1 and 2 together with their learned advocates to sit together for mediation on the designated date.
3. It reveals that fortunately a settlement has been arrived at in the said mediation proceeding and the mediator has forwarded his final report including the minutes of the proceeding of such mediation as held on May 4, 2023. In the mediation report, as submitted by the learned mediator, the terms of settlement between the parties are thus:

“i) W.B.S.E.D.C.L. has already handed over the employer’s certificate and some other relevant documents to the Provident Fund Authority, which the later authority has accepted subject to final scrutiny;

- ii) *W.B.S.E.D.C.L. has produced the original Service book of deceased employee Kalimuddin, which appears quite damaged. However, the Provident Fund Authority did not raise any dispute regarding the same;*
- iii) *W.B.S.E.D.C.L. has also produced the photocopy of the original claim form, the original of which seems readily not traceable with the Provident Fund Authority. Copy served upon the Provident Fund Authority, who suggested that to avoid further delay in this regard a fresh claim form in the prescribed format be filed by the petitioner/claimant to the Provident Fund Authority through the W.B.S.E.D.C.L authority, to which the Ld. Advocate for the Petitioner/Claimant expressed acceptance. The W.B.S.E.D.C.L. also expressed their consent in this regard.*
- iv) *The Provident Fund Authority, will start necessary calculation for final settlement of the dispute claim on receiving the fresh claim form as aforesaid subject to establishment of identity/genuinity and existence of the claimant on the current date by producing cogent documents in original as well authenticated/ selfattested copies.*
- v) *The date of joining of the deceased employee in the service of W.B.S.E.D.C.L. has been mutually accepted as 01.09.1973, including the Ld. Advocate of the Petitioner.*
- vi) *W.B.S.E.D.C.L. has produced a piece of document, according to which the petitioner might have died on 17.02.2022, to which the Ld. Advocate representing the petitioner offered no comment. The Ld. Advocate of the petitioner submitted that he met his client Angeja Khatun lastly in the year 2018 and since then he has no contact with her. As such*

all the parties agreed that the life status of the petitioner/claimant will have to be established first and accordingly all other onward step(s) will be taken including substitution, if required.”

4. In view of the aforementioned settlement, parties are directed to act on the terms of the settlement with a direction to the substituted writ petitioners to submit a fresh claim in the prescribed format with the Provident Fund authority through the WBSEDCL authority. Since in the meantime, the original writ petitioner has died, the substituted writ petitioners are further directed to enclose an attested copy of the death certificate of the writ petitioner as well as her husband who was the employee of the WBSEDCL for final settlement of the claim of the substituted writ petitioners. Such claim form and the attested copies of death certificates as mentioned above shall have to be submitted by the substituted writ petitioners with the WBSEDCL authority within a month from the date of uploading of this order and the respondent no. 1/WBSEDCL after making necessary scrutiny shall forward the same to the Provident Fund authority i.e. to the respondent no. 2 also within a month from the date of receipt of the fresh claim form from the substituted writ petitioners together with the attested copies of the two death certificates as mentioned above.
5. After receipt of the said fresh claim form from the substituted writ petitioners together with the two death certificates as mentioned above through WBSEDCL, the P.F. Authority shall have to disburse the dues to the

present substituted writ petitioners, viz., Aktari Begam, and Sk. Salimuddin, after obtaining indemnity bond from the substituted writ petitioners and the P.F. authority is further directed to disburse the claim of the substituted writ petitioners positively within four months from the date of receipt of the fresh claim form together with attested copies of two death certificates and the necessary indemnity bond.

6. With the aforementioned observation, the instant writ petition being **WPA 17691 of 2013** is disposed of and it is also made clear that the time limits as fixed by this Court while disposing the instant writ petition are mandatorily be followed by all the parties.
7. Interim application, if therebe any, stands disposed of.
5. Parties are directed to act upon the server copy of this order duly downloaded from the official website of this Court.
8. Urgent photostat certified copy of this order, if applied for be given to the parties, upon compliance of necessary formalities.

(Partha Sarathi Sen, J.)