

23.08.2023
rpan/A196

MAT 1515 of 2022
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IA No.: CAN 1 of 2022
Regional Provident Fund Commissioner
– *Versus* –
Smt. Tapati Pandey & Others

Mr. Shiv Chandra Prasad
... for the Appellant.
Mr. Tarapada Das,
Mr. Mahadeb Khan,
Ms. Jonaki Khan
... for the Respondent no.1/Writ Petitioner.
Mr. Ranjay De,
Mr. Basabjit Banerjee
... for the Respondent nos.3 & 4.
Mr. Sumit Kumar Panja,
Mr. Sumit Ray
... for the WBSEDCL/Respondent no.5.

The present appeal has been preferred challenging an order dated 23rd August, 2022 passed in a writ petition, being WPA 16893 of 2021.

Mr. Prasad, learned advocate appearing for the respondent no.5 in the writ petition/the appellant herein submits that the learned Judge erred in law in directing the appellant to accept an amount of ₹1,27,867/- with interest from WBSEDCL and to take further steps to compute the current family pension payable to the writ petitioner along with arrears and to disburse the same in her favour.

According to Mr. Prasad, WBSEDCL had admittedly not forwarded the individual Code/Number pertaining to the writ petitioner's husband, who expired on 19th April, 1984 and in the absence of the same, the appellant

cannot be burdened with the liability to pay family pension.

He further submits that the writ petitioner's husband was also not a member of the fund created under the Family Pension Scheme, 1971.

Mr. Panja, learned advocate appearing for the WBSEDCL submits that the writ petitioner is entitled to family pension in view of the provisions contained in the memo dated 4th May, 1985 and as such, there is no infirmity in the order impugned in the present appeal.

Mr. Banerjee, learned advocate, led by Mr. De, learned advocate, enters appearance on behalf of the respondent nos.3 and 4.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

In the order impugned the learned Judge arrived at a finding that the claim of the writ petitioner falls within the ambit of the second proviso of paragraph 2 of the memo dated 4th May 1985. Considering the fact that the widow was not getting family pension for a substantial period of time and as WBSEDCL had volunteered to deposit an amount of ₹1,27,867/- with interest in respect of the writ petitioner's husband, the learned Judge directed the appellant to accept the said amount and to compute the current family pension along with arrears and to disburse the same in favour of the writ petitioner upon condoning the technical irregularities, if any more so

when disbursement of provident fund amount is an admitted position.

The writ petition is still pending and we do not find any infirmity in the order impugned and as such, no interference is called for in the present appeal.

Accordingly, the appeal and the connected application, being IA No.: CAN 1 of 2022 are dismissed.

There shall, however, be no order as to costs.

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

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)