

Calcutta High Court
In the Circuit Bench at Jalpaiguri

Appellate Side

04.01.2023

(SL 03)

(AK)

WPA 3370 of 2022

**Md. Hasnen
Vs.
Union of India & Ors.**

Mr. Jagriti Mishra
Mr. Subham Gupta
Mr. Debayan Goswami
Mr. Reshab Kumar

... for the petitioner.

Mr. Sudipto Kumar Mazumder
Mr. Sourab Kar

... for the Union of India.

Mr. Bhaskar Roy Mahashaya

...for the Provident Fund Authority.

The petitioner seeks disbursement of the provident fund amount accumulated in favour of petitioner's father, one Md. Safique, who died while serving the respondent no.7.

The impugned document, which is from the Enforcement Officer of the Regional PF Commissioner relies on a letter dated 21.10.2022 from the Director of the establishment and comes to the conclusion that the petitioner is the adopted son of late Md. Safique.

Upon hearing learned counsel appearing for the petitioner and the respondents, it appears that the petitioner is armed with documents to show that the petitioner is the surviving son of the deceased person. On the other hand, the respondents say that the petitioner has not complied with certain procedural formalities with the employer/respondent no.7 before making a claim for the provident fund amount.

Upon considering such submissions, this court is of the view that the respondents should be directed to re-visit the issue upon considering the documents which are in the possession of the petitioner and giving a hearing to the petitioner. The petitioner on his part is also directed to comply with and complete the procedure required for making a claim of the provident fund.

WPA 3370 of 2022 is disposed of with a direction on the Regional Provident Fund Authorities to hear the petitioner, reconsider the factual possession and pass a reasoned order within four weeks from today. The impugned document of the Enforcement Officer dated 31.10.2022 is quashed.

The respondents shall be at liberty of ensuring that the petitioner completes and

complies with the direction as stated above. A copy of the reasoned order shall be made available to the petitioner within one week from the date on which such order is passed.

It is made clear that the four weeks shall be calculated from the date on which the petitioner makes over the mandatory form for making the claim with the respondents.

(Moushumi Bhattacharya, J.)