

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

134

2023:PHHC:107058

**SAO-73-2018 (O&M)
Date of decision: 18.08.2023**

EMPLOYEES PROVIDENT FUND ORGANISATION ..Appellant

Versus

AJIT ..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gaurav Tangri, Advocate
for the appellant.

Mr. Lalit Narang, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

1. This appeal arises from an order passed by the Appellate Court directing the appellant to pay the amount of Rs.56,426/- to the respondent within a period of two months. These proceedings arise from a petition filed under Section 372 of the Indian Succession Act, 1925, for grant of succession certificate. The respondent herein is the brother of deceased Sh. Ranbir Singh. The dispute is with regard to the release of amount lying in the pension fund maintained under the Employees Provident Fund Pension Scheme, 1995.

2. On the one hand, the learned counsel representing the appellant contends that the brother of the deceased is not entitled to release of the amount.

3. On 01.08.2023, the following order was passed:-

“Heard the learned counsel representing the parties at some length.

Learned counsel representing the appellant inter alia contends that the amount of contribution of the deceased as well as 8.33 per cent of the employer's share has already been paid to the respondent. He submits that

as per the provisions of the Employees Provident Fund Pension Scheme, 1995, the amount lying in the pension fund cannot be released to the respondent as he does not fall within the scope of the beneficiaries under the scheme. He has also submitted that this appeal has been filed against the order passed by the court while deciding petition under Section 372 of the Indian Succession Act, 1925.

Learned counsel representing the respondent prays for a short accommodation.

List on 14.08.2023.

No further request for an adjournment shall be entertained.

To be listed in the urgent list.”

4. The learned counsel representing the respondent submits that the impugned order passed by the First Appellate Court directing payment of Rs.56,426/- to the respondent be set aside with liberty to the respondent to avail his appropriate remedy.

5. With these observations, the present appeal is allowed.

6. All the pending miscellaneous applications, if any, are also disposed of.

August 18th, 2023

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No