

13.02.2025

Sl. No.: 9
Court No.30
BM

WPA 328 of 2025

Khediya Devi

Vs.

The Regional P. F. Commissioner & Ors.

Mr. Bikash Shaw

Mr. Sk. Saad Nafised Sehar

... for the petitioner

Ms. Amrita Pandey

Mr. Ghanshyam Pandey

... for the private respondent nos.3 & 4

Mr. Shiv Chandra Prasad

... for the P.F. Authorities

1. On hearing the learned counsel for the parties and on perusal of the materials on record and the documents filed by the respondent Company, it appears that the petitioner's deceased son joined as a Badli in the respondent no.4 Company on 01.06.2012 and he died on 26.08.2022. As such, it appears that he is being in service for ten years continuously.

2. On the other hand, learned counsel for the Company submits that the petitioner being a Badli worker, it has to be seen from the record as to whether he has provided 240 days of continuous service each year during the period in service. There has been no prayer made before the appropriate authority nor the Company claiming said relief.

3. On the other hand, the petitioner being the mother of the deceased claims that her son put in 240 days of work each year during the period in service.

4. Learned counsel for the Company on the other hand on relying upon the documents relating to PF contribution submits that it is apparent from the said documents that the petitioner's son did not put in requisite number of days required to entitle him for gratuity.

5. It appears that on a representation being submitted with the respondent no.4, the petitioner herein was requested to submit relevant documents for the respondent no.4 to consider her prayer.

6. From a letter dated 23.09.2024, it appears that she is the nominee of her deceased son and all documents have been provided to the respondent no.4 through a NGO and prayer for release of Provident Fund has been made. Consequently, it appears that in January, 2025 dues were released in favour of the petitioner.

7. Admittedly, the petitioner has not approached the appropriate forum or the respondents no.4 to claim her dues.

8. Considering the said fact, the writ application is disposed of with the direction that the concerned authority shall consider the prayer of the petitioner

in respect of her claim in accordance with law preferably within a period of six months from the date of this order on hearing the parties.

9. The writ petition stands disposed of.

10. Pending applications stand disposed of.

11. Interim order, if any, stands vacated.

12. Urgent Xerox certified copies of this order, if applied for, shall be supplied to the learned counsel for the parties as expeditiously as possible, in compliance of usual formalities.

(Shampa Dutt (Paul), J.)