4th April, 2025
(D/L No.21)
Ct. No.4
(SKB)

**W.P.C.T.199 of 2024**

The Union of India and others
Versus
Paresh Chandra Mondal

Mrs. Sarda Sha,
Mr. K. Ghosh
….for the petitioners.

Mr. Ambu Bindu Chakraborty,
Ms. Mrinmoyee Roy
… for the respondent.

1. The Union of India has assailed the order of the Central Administrative Tribunal, Kolkata Bench, whereby and whereunder the Tribunal directed for release of the balance in the GPF account of the deceased employee in favour of his younger brother who was the applicant before the Tribunal.
2. The facts which are not in dispute in the present case that the respondent is the younger brother of one Manik Mondal who was employed as Office Superintendent in the Income Tax Department, Government of India. While Manik Mondal was alive he nominated his mother Smt. Brihaspati Mondal and the present petitioner as his nominees in respect of the amounts accruing to his GPF account. The first nominee i.e. the mother died on 29.06.1999. The government

servant himself passed away on 30.09.2019. As on the date of death, there was only one nominee surviving, i.e. the present petitioner. There is also no dispute that the present petitioner is a nominee made under Rule 5 of the General Provident Fund (Central Service) Rules, 1960 (hereinafter referred to as the 'Rules') applicable to the petitioner's elder brother.

3. Under such circumstances, the applicant approached the Central Administrative Tribunal (in short 'Tribunal') for grant of amounts lying in the General Provident Fund account.

4. The authorities relying upon provisions contained in the 1925 Act raised an objection that since the amount in question was above Rs.5000/-, the petitioner was required to produce a succession certificate, such objection has been raised without expressing any doubt that the petitioner is the sole surviving nominee of the government servant, Manik Mondal, nomination having been made in terms of Rule 5 of the Rules.

5. The Tribunal considered the issue and relied upon the Rule 33 of the Rules. The relevant extract of the Rule 33(ii) has been referred to and the same is being taken note of herein:

> "When the subscriber leaves no family, if a nomination made by him in accordance with the provisions of Rule 5 in favour of any person or

> persons subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination.”

6. Relying upon this provision, The Tribunal held the applicant entitled to receive the balance in the G.P.F. account of the deceased employee.
7. The learned counsel for the petitioners submits that some nephews of the deceased have also raised objection regarding the applicant’s claim. The objection is dated 12.10.2020 and forms part of the records before the Tribunal. From a bare reading of the objection, it appears that five persons have made the objection claiming that the deceased employee was “direct blood related uncle”. she has also drawn attention of the court towards the fact that under 1925 Act, there is a specific provision in respect of amounts above Rs.5000/-.
8. The fact that the service of late Manik Mondal was covered by the Rules, is not in dispute. Also there is no dispute that Manik Mondal nominated the applicant (respondent) his younger brother as his nominee in respect of the amounts lying in the G.P.F. account.
9. Rule 33(ii) of the Rules, extracted above, is clear that when the Government servant did not leave behind “family” and has made a nomination then

the amount lying in the account is to be paid to the nominee, which in this case was the applicant before the Tribunal.

10. We, therefore, find there is no infirmity in the order passed by the Central Administrative Tribunal directing for payment of the amounts lying in the GPF account in favour of the respondent (nominee) in terms of Rule 33 of the Rules therein.

11. The writ petition is, thus, dismissed.

**(Madhuresh Prasad, J.)**

**(Supratim Bhattacharya, J.)**