



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

231

CWP-20955-2020

Date of decision: 07.04.2026

Jaswant Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Ms. Rimjhim Mahajan, Advocate
for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

None for respondents No.6 and 7 despite service.

NAMIT KUMAR, J. (ORAL)

1. The instant petition has been filed by the petitioner under Articles 226/227 of the Constitution of India, seeking a writ of certiorari for quashing the order dated 30.10.2020/03.11.2020 (Annexure P-3), qua respondents No.6 and 7, vide which the amount of GPF of the deceased employee-Manmohan Singh, has been ordered to be released in favour of respondents No.6 and 7, in violation of the Punjab General Provident Fund Rules, 1936.

2. The undisputed facts of the case, as have been pleaded in the petition, are that the petitioner is the wife of Sh. Manmohan Singh, who was working as pharmacist, and unfortunately died on 29.09.2017. Vide order dated 30.10.2020/03.11.2020, GPF amount of Rs.11,16,595/- was ordered to be disbursed to the petitioner and respondents No.6 and 7, who are parents of the deceased employee, in

equal shares. The said order has been impugned in the present petition to the extent that the amount has been ordered to be disbursed to respondents No.6 and 7 in equal shares as well. Initially, the instant petition came up for hearing before this Court on 07.12.2020 and following order was passed:-

“Counsel for the petitioner inter alia contends that in the definition of ‘family’ under clause (c) of Rule 13.2 (1) of the Punjab General Provident Fund Rules, 1936, ‘family means’, in the case of a male subscriber, the wife or wives, and children of a subscriber, and the widow, or widows and children of a deceased son of the subscriber. It is further argued that since petitioner is the widow of late Man Mohan Singh, Pharmacist, who died on 29.09.2017, the petitioner alone is entitled to General Provident Fund standing to her credit. It is further submitted that vide order impugned, the amount has been ordered to be paid to the petitioner and parents of the deceased but parents of the deceased are not entitled thereto.

Notice of motion for 15.02.2021.

Ms. Ambika Bedi, AAG, Punjab accepts notice on behalf of respondents No.1 to 5-State.

In the meantime, amount of GPF ordered to be released in favour of respondents No.6 and 7 shall not be disbursed. The said amount shall be converted into fixed deposit, payable subject to outcome of the present petition.”

3. Short reply by way of an affidavit of Om Prakash Gojra, Director, Health Services (SI), Punjab, on behalf of respondents No.1 to 3 has been filed, wherein it has been stated as under:-

“7. That in view of the above said position, the order dated 03.11.2020 was inadvertently issued by the department. However in pursuance of the above said orders dated December 7,2020 of the Hon'ble Court, the matter has been again examined and it has been decided to revise the sanction earlier issued vide office letter No. GP Fund 2(4)-Pb 2020/2023 dated 03.11.2020 (Annexure P-3) so that the payment of GPF amount of Rs. 11,16,595/- can be released only in favour of the widow Smt. Jaswant Kaur wife of deceased Manmohan Singh Pharmacist.

8. *That it is made clear that no amount of the provident*

fund of late Sh. Manmohan Singh Pharmacist has been disbursed to any member of the family of the deceased late Sh. Manmohan Singh pharmacist.

9. That in view of the position explained above, it is prayed that the Hon'ble Court may please be allowed the department to revise the sanction earlier issued on dated 03.11.2020 so that the entire amount of GPF Rs.11,16,595/-can be released only in favour of the widow Smt. Jaswant Kaur wife of deceased Manmohan Singh Pharmacist.”

4. In nutshell, the stand of the respondents is that the order dated 03.11.2020 was inadvertently issued by the department, however, in pursuance to the interim order dated 07.12.2020, passed by this Court, the matter has again been examined and it has been decided to revise the sanction earlier issued, vide office letter dated 03.11.2020 (Annexure P-3), so that the payment of GPF amount of Rs.11,16,595/- can be released only in favour of the widow-Jaswant Kaur (present petitioner), wife of deceased Manmohan Singh. It has also been stated that no amount of provident fund of the deceased employee has been disbursed to any member of his family.

5. Keeping in view the stand taken by the respondents and the fact that there is no contest by respondents No.6 and 7 in the present petition, the same is allowed and the respondents are directed to release the amount of GPF in favour of the petitioner along with interest which has accrued on the said amount by way of FDRs in terms of the order dated 07.12.2020, within a period of two months from the date of receipt of certified copy of this order.

07.04.2026

Vinay

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No