

Most. Tetari Devi Vs. Regional Commissioner, Region-ii, C.M.P.F. and ors.

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SooperKanoon Citation : sooperkanoon.com/515977

Court : Jharkhand

Decided On : Feb-14-2008

Reported in : [2008(2)JCR345(Jhr)]

Judge : N.N. Tiwari, J.

Appellant : Most. Tetari Devi

Respondent : Regional Commissioner, Region-ii, C.M.P.F. and ors.

Judgement :

ORDER

N.N. Tiwari, J.

1. In this writ petition, the petitioner has prayed for a direction on the respondents to fix the family pension and pay the amount of C.M.P.F., which the petitioner is entitled to receive the same after the death of her husband on 2.1.2004.

2. It has been stated that the petitioner's husband, Churan Ganjhu who was working in Kedla Underground Project, Central Coalfields Limited as piece rated worker, died in harness on 2.1.2004. The petitioner's husband was a member of C.M.P.F. being C.M.P.F. A/c. Number RMG/12-264 and his employment code was 475448. The petitioner being widow of late Churan Ganjhu, applied for family pension and C.M.P.F. and other benefits, payable on death of the employee. The petitioner got amount of gratuity from the employer, but still the family pension and

amount of C.M.P.F. have not been paid to her, in spite of repeated requests and representations.

3. A counter-affidavit has been filed on behalf of respondent Nos. 2 to 5 stating, inter alia, that they have already forwarded the petitioner's relevant documents with the recommendation to pay the C.M.P.F. and family pension and the matter is pending before the C.M.P.F. It has been stated that in spite of receipt of the papers, the respondent-C.M.P.F. unnecessarily demanded the claim papers in the name of Tetri Devi, which, according to them, was made nominee. The respondents clarified that the petitioner, Most. Tetri Devi is the widow of late Churan Ganjhu. In spite of the same, amount of C.M.P.F. has not been paid to the petitioner.

4. A counter-affidavit has also been filed on behalf of C.M.P.F. stating, inter alia, that the claim of the petitioner was not received in the office of C.M.P.F.

5. I have heard learned Counsel for the parties.

6. Learned Counsel for the petitioner submitted that the petitioner is the widow of late Churan Ganjhu and that mentioning of her name in the column of nominee as Tetni Devi must be clerical error in the office of the C.M.P.F. The claim petition was received by C.M.P.F. and on their objection regarding the said error, clarification was also made by the employer of M/s. C.C.L. Now there is no impediment in making payment of benefits to the petitioner. After the said clarification made by the employer, the petitioner is also ready to file any affidavit or to execute indemnity bond, if so required. However, there is absolutely no ambiguity after clarification made by the employer, who had already paid the benefit to the petitioner being the widow of late Churan Ganjhu. In view of the above, the employer has already clarified the position and there is no other person to claim as the widow.

7. Learned Counsel for the respondent-C.M.P.F. has admitted that now the claim papers have been received in the office of C.M.P.F. and there is discrepancy in the name of petitioner. In the column of nominee, it is mentioned as Tetri Devi', whereas the claim papers have been received in the name of Tetri Devi'.

8. Though the C.M.P.F. is custodian of fund, the contribution has been made by the employer and the employee and the employer has already clarified the position that the petitioner is the widow and her name is Tetri Devi and she is entitled to get the benefits.

9. In my view, there is no justification for the C.M.P.F. to withhold the admissible benefit to the petitioner. In case of doubt, the respondent-C.M.P.F. should have asked for any affidavit or indemnity bond from the petitioner, but after clarification made by the employer-M/s. C.C.L., there appears to be no just reason for withholding the amount of the C.M.P.F.

10. In view of the above, this writ petition is disposed of directing the C.M.P.F. to dispose of the petitioner's claim in accordance with law within a period of six weeks from the date of receipt/production of a copy of this order. Petition disposed of.