

India Kamln and ors. Vs. the Central Coal Fields Ltd. and ors.

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Court : Jharkhand

Decided On : Aug-14-2008

Reported in : [2009(1)JCR107(Jhr)]

Judge : D.G.R. Patnaik, J.

Appellant : India Kamln and ors.

Respondent : The Central Coal Fields Ltd. and ors.

Judgement :

ORDER

D.G.R. Patnaik, J.

1. Petitioners in these writ petitions have prayed for issuance the issuance of a direction commanding upon the respondents to pay pension to the petitioners from the respective dates of their retirement in the year 1995, under the SFVRS scheme with interest at the rate of 12 per cent per annum.

2. The petitioners were piece rated employees of the Central Coalfields Limited working under the Project Officer (respondent No. 5). After their retirement, they filed applications for employment of their wards and also for payment of their dues on account of Provident Fund (CMPF) and gratuity. Though payment of PF and gratuity was made to the petitioners, but inspite of settlement of pension in the year 1988, and filling up of the prescribed forms for payment of pension in 1999,

there was no response from the respondents in this regard.

3. It is further stated that the petitioners were members of the Family Pension Scheme and the amounts of contribution used to be deducted from CMPF from their wages till the date of their retirement. But in spite of repeated requests for payment, there has been no response as a result of which the petitioners had no alternative, but to approach this Court in these writ petitions.

4. Counter affidavit has been filed on behalf of CMPF Commissioner, Range II, Ranch (respondent No. 7) wherein it has been stated that the application for pension of the petitioners has not been received till date in the office of the respondent No. 7 from the colliery Management. Since the Central Coalfields Limited, respondent No. 1, is the employer of the petitioners, and has deducted the amount of contribution from the members, including the petitioners under the Scheme, it is the employer who is supposed to maintain the statements of accounts in respect of deductions made from the employees/workers and to supply the same to the office of respondent No. 7.

5. No counter affidavit has been filed on behalf of the Central Coalfields Limited (respondent Nos. 1 to 6).

6. There is no denial from respondent Nos. 1 to 6 to the claim of the petitioners that they were employees under the Central Coalfields Limited and were employed in the Opencast Projects under the Project Officers and were members of the Family Pension Scheme.

7. In the light of the facts and circumstances as aforesaid, the petitioners are directed to file their representations afresh before the respondent No. 5 and before the Regional CMPF Commissioner, Region II, Ranch!, (respondent No. 7) and within one month from the date of receipt of the representations from the petitioners, the respondent No. 5 shall communicate to the petitioners about the eligibility of their claim of pension amount, details of amounts deducted from the petitioners' wages and such other relevant material information, to the petitioners and also furnish the same to respondent No. 7 and thereafter within one month from the receipt of the representation and the necessary information for the

respondent No. 5, the respondent No. 7 shall order for release of the amount of pension payable to the petitioners.

8. With the aforesaid observations, this application is disposed of.

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