

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

CALCUTTA

M.A.No.135/1999
(O.A. 655/97)

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

ASHIMARANI MUKHERJEE

V.S.

UNION OF INDIA & ORS.

For the applicant : Mr. B. Chatterjee, counsel

For the respondents : Mr. P.K. Arora, counsel

Heard on : 11.3.99

Order on : 11.3.99

O R D E R

Heard ld. counsel for both the parties. Smt. Ashimarani Mukherjee wife of Late Amiya Kumar Mukherjee, Exe-Driver/Dhanbad filed the O.A.No.655 of 1997 seeking directions upon the respdts. to quash the impugned order of termination ^{of service} of her deceased husband on various grounds mentioned therein. Thereafter, she filed the M.A.No.135/99 praying for directions upon the respondents No.2, the Divisional Railway Manager, Eastern Railway, Dhanbad to make immediate payment of Provident Fund money to her as contributed by her deceased husband during his service period.

2. Ld. counsel Mr. P.K. Arora appears on behalf of the respdts. Respdts. did not file any written objection in respect of M.A.135/99. Mr. Arora appearing on behalf of the respdts. submits that the said M.A. was filed on 10.3.99 and has been listed ~~as~~ for order today and thereby he could not get sufficient time for filing reply.

3. It is alleged by the applicant that the respdts. did not make payment of P.F. money though the same has been sanctioned by the authority by order C.O.7 No.058020 dated 7.8.85. Ld. counsel for the applicant submits that the said P.F. money has not been tendered to the applicant as yet.

4. I have considered the submissions made by the 1d. counsel for both the parties. I am of the view that Provident Fund money cannot be withheld by the respdts. for any reason and the wife of the deceased employee is entitled to get the Provident Fund money which is lying with the department since 22.12.83 when her husband was dismissed from service. The respondents could have sent the P.F. money of the husband of the applicant to her by draft or by money order. But the respdts. did not follow that procedure though the payment of Provident Fund money has been sanctioned by the authority as stated by the 1d. counsel for the respdts. Mr. Arora. Thereby the applicant is also entitled to get interest on the amount of Provident Fund as per Provident Rules. Respondents are directed to make payment of the Provident Fund dues with interest to ~~the~~ the applicant as admissible under the Provident Fund Rules from the date of sanction of P.F. money i.e. 7.8.85 till the payment is made. Respondents are also directed to send the said Provident Fund money to the applicant by draft and by registered post with A/D after deduction of commission for purchase of draft within a period of two months. Accordingly the M.A. ~~disposed~~ ^{dated 05/07/85} of ~~no~~ awarding no costs.

Amended
dated
vide order
of 24-6-85
in M.A. 284/85

(D. PURKAYASTHA)
MEMBER(J)

5/81 PP