

(1979) 11 GUJ CK 0009
In the Gujarat High Court

Mrs. P.K. Martiyani

APPELLANT

Vs

Regional Provident Fund Commissioner and Another

RESPONDENT

Date of Decision : 14-11-1979

Acts Referred:

Constitution of India, 1950 — Article 226, 226

Citation : (1983) 2 GLR 927

Hon'ble Judges : B.J. Divan, C.J;M.P. Thakkar, J

Bench : Division Bench

Judgement

M.P. Thakkar, J.—It appears to be expedient in the interest of justice that the letter dated September 25, 1979 in the Times of India, Ahmedabad Edition, dated September 29, 1979 written by Mrs. P.K. Kartiyani of Kottayam which reads as under be treated as a petition invoking the jurisdiction of this Court under Article 226 of the Constitution of India (the clipping of the said letter is annexed hereto and marked Annexure "A"):

Sir,-I am unfortunate destitute woman of a backward community. My husband Mr. T. K. Thankappan, died of cancer on April 8, 1977 while he was in the service of Gujarat Refinery, Baroda, as a painter. He left behind me and our three children. Life is a struggle for" existence in our case as we have no means of livelihood. My husband was a member of the provident fund family pension scheme under the jurisdiction of the Regional Provident Fund Commissioner, Ahmedabad. His account No. is GJ 4951/55166. Under the scheme, I am eligible to get from the Regional PF Commissioner more than Rs. 7,000/- towards the Deposit Link Insurance and an amount of Rs. 150 per month towards family pension with effect from April 1977. Ironically, I have not received a single paise so far from the Regional P.F. Commissioner. The case papers relating to my claim are being tossed about like shuttlecock between the PF Commissioner, Ahmedabad and the Gujarat Refinery, Baroda, under one pretext or the other.

I have been eagerly looking forward to receiving the remittance from the PF Commissioner for the last 2?years but to my utter disappointment it has not yet

materialised. Somehow or the other I now fear that I will not get a single paise till I too take my last breath. As I am keeping indifferent health, struggling very hard to make both ends meet, I may have to leave behind my three helpless children sooner or later. As a last resort, I am writing this letter to you with a request to see whether you can help me get the dues from the PF Commissioner through your good offices. As you know, I am staying thousands of miles away from Ahmedabad. In spite of that I sent my representative to the PF Commissioner's office twice but his pleadings fell on deaf ears. Please help me : God will help you.

2. The office is therefore, directed to prepare a docket with the cause-title showing Mrs. P. K. Kartiyani of Kottayam as the petitioner and the Regional Provident Fund Commissioner, Ahmedabad, as respondent No. 1 as also the General Manager, Gujarat Refinery, Baroda, as respondent No. 2. It is directed that the aforesaid letter be registered as a Special Civil Application subject to office objections as regards Court-fees and on the docket of the matter an order in the following terms be Inscribed:

Notice pending admission calling upon respondent No. 1 to show cause why an appropriate writ or order should not be issued directing him to make payment of the provident fund amount of Rs. 7000/- along with interest etc. in connection with Account No. GJ 4951/55166 in the name of petitioner's deceased husband T.I. Thankappan and the Family Pension amount of Rs. 150/- per month with effect from April, 1977 to the petitioner. Respondent No. I shall also show cause why an interim direction or order should not be issued requiring him to make payment of the provident fund amount and the family pension amount to the petitioner forthwith and notice pending admission shall also issue to respondent No. 2-General Manager, Gujarat Refinery, Baroda, calling upon him to show cause why he should not be required to take the necessary steps to complete the formalities in connection with the aforesaid payments. The notice will be made returnable on October 12, 1979 at 11 .00 a.m.

2.1. The office will issue the notice as a notice by Court without waiting for the payment of process fees etc. The office shall prepare copies of this order for being sent to the respondents. The learned Govt. Pleader is appointed as amicus curiae to appear on behalf of the petitioner. A copy of this order shall be sent to him also. The office is directed to treat this as an urgent matter and ensure that the notices are issued before the close of the working hours to-day.

3. Order accordingly.

B. J. DIVAN, C.J.—In this matter which was taken suo motu on the publication of a letter by the present petitioner in the "Times of India", Ahmedabad Edition, on September 29, 1979, affidavit-in-reply have been filed on behalf of the Gujarat Refinery where the petitioner's deceased husband was working and also by the Regional Provident Fund Commissioner for Gujarat. From these affidavits, it is clear that though considerable delay has taken place in setting the claims of the

petitioner under different heads, by now the Regional Provident Fund Commissioner has paid all the dues of the petitioner and made arrangements for recurring payments in future under the Pension Scheme of the Provident Fund. It is also clear from the affidavit of the on behalf of the Gujarat Refinery by the Senior Personnel & Administrative manager Shri Skaria that the calculations made by the Regional Provident Fund Commissioner regarding the dues of the petitioner are correct and that what has been paid and what is yet proposed to be paid to the petitioner is not less than what is due to her in the light of the service put in by her deceased husband.

2. Under the circumstances, nothing more is required to be done and the notice issued by my learned Brother is discharged. However, before leaving the matter, I would like to point out that considerable delay which causes a great of hardship to people like the petitioner can be avoided by setting up an appropriate section or organisation in the office of the Regional Provident Fund Commissioner with a view to see that all claims are settled within a particular date-line from the time that the payment becomes due to the claimant. It should be the function of such a section in the office to see to it that the claims are pursued and, if necessary, claimants are called in and asked to fill in the appropriate forms. The office should not wait for the forms to be filled in or for bureaucratic delays and the period of three months should be considered to be the outside limit within which all such claims should be settled. With these remarks I conclude this matter and I must say that but for the interest shown by the newspaper "Times of India" in this matter, the claim of the petitioner might still have been delayed further and it is because of the services performed by the newspaper that this particular case could be disposed of so quickly.

3. No order as to costs.