

HIGH COURT OF JAMMU AND KASHMIR AT JAMMU
OWP No.959/2007.

Date of decision: 04.11.2010

Chhoti Pandita v. State and others.

Coram:

Hon'ble Mr. Justice Sunil Hali, Judge.

Appearing counsel:

**Mr. Ajay Kr. Gandotra, Advocate for the petitioner.
Mrs. Deepika Mahajan, Govt. Adv. for the respondent no.4.
None for rest of the respondents.**

- i/ Whether to be reported in : Yes/No.
Press, Journal/Media.
ii/ Whether to be reported in : Yes/No.
Digest/Journal.
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Petitioner through the medium of this petition seeks a direction to the respondents to settle and release the payment of G.P.Fund accrued to her deceased husband who was working with respondent no.2. It is contended that husband of the petitioner retired on 31.07.1986 and the subscription made by him upto 1985 in the GP Fund Account No.15276-SM has not been incorporated in the superior service. It is contended that while working as Class IV he was allotted Account No.15276-SM under head inferior service and lateron, on his promotion as Patwari, he was allotted Account No.2372-SK under head superior service. He represented the authorities concerned and strived hard for his dues i.e. Rs.4937/- as Patwari and Rs.3822/- as Class-IV employee. Unfortunately on 20.01.2001, the husband of the petitioner expired and the petitioner being the legal heir of the deceased approached the respondents for release of the said dues but without any fruits.

Respondents were put to notice. Respondent no.4 has filed reply and other respondents have chosen not to file the same. It is contended by respondent no.4 that on contributing to G.P.Fund (superior) by the petitioner, the subscriber was allotted Account No.2372-IK by the Office of the answering respondent and on retirement from service the final refund case was settled and the final payment of Rs.4937/- was authorized in his favour at Sapore Treasury through Drawing and Disbursing Officer vide letter dated 05.05.1989. It is further contended that the authority issued by the office of the answering respondent has not been operated upon by the Ex-Engineer Irrigation Division, Sopore within the prescribed period of six months for unknown reasons and was requested vide letter dated 24.05.1994 to return the same to the office of the answering respondent with a non-drawal certificate, so that the same could be re-validated. It is also stated by the said respondents that the subscription contributed by the deceased under Account No.15276-SM has not been incorporated in his superior GP Fund Account No.2372-IK maintained by the office of the answering respondent. It is also contended that the Accounts Officer, District Fund Office Class-IV Wing, Baramulla be directed to authorize the payment of GP Fund accumulation stood to the credit of the deceased subscriber under Account No.15276-SM if not already done and answering respondent has not withheld the claim of the deceased husband of the petitioner.

I have heard learned counsel for the parties and perused the record.

The facts in this case are not in dispute that the husband of the petitioner has contributed towards GP

Fund (Inferior) which has been admitted by respondent no.4 in his reply also. Other respondents have chosen not to file the reply despite various opportunities.

With the consent of learned counsel for the parties, this petition is taken up for final disposal at admission stage.

The stand taken by respondent no.4 in paras nos.3, 4 and 5 of reply may be noticed as under :-

“3. That in reply to the contents of para no.6, it is submitted that on his contributing to G.P.Fund (superior), the subscriber was allotted Account No.2372-IK by the office of answering respondent and on retirement from service the final refund case was settled and the final payment of Rs.4937/- was authorized in his favour at Sapore Treasury through Drawing and Disbursing Officer (Ex.Engineer Irrigation Division, Sapore) vide this office letter No.PF-9/IK/7526-28/FR/49-50, cover No.PF-9/IKFR/1989-90/124-26 dated 05.05.1989. From the perusal of letter No. PF-9/IK/94-95/247-49 dated 24.05.1994, it would be observed that the authority issued by the office of the answering respondent has not been operated upon by the Ex.Engineer Irrigation Division, Sapore within the prescribed period of six months for unknown reasons and Ex.Engineer was requested vide letter No.PF-9/FR/94-95/247-49 dated 24.05.1994, to return the same to the office of the answering respondent with a non-drawal certificate, so that the same could be revalidated.

4. That in reply to the contents of para no.7, it is submitted that the G.P.Fund accounts of Class-UV employees are being maintained by State Fund Organization Accounts Officer District, Fund Office Class-IV Wing, Baramulla), and not by the office of the answering respondent. It has been made clear vide letter No.PF-9/IK/1998-99/1843-45 dated 14.01. 1999 that the subscriptions contributed by the deceased under Account No.15276-SM has not been incorporated in his superior GP Fund Account No.2372-IK maintained by the Office of the answering respondent.

5. That in reply to the contents of para no.8 to 12, it is submitted that an authority to the tune of Rs.4937/- was issued on 05.05.1989. But the same was not operated upon, by the respondent no.2, within six months for reasons unknown, though the office of the answering respondent had requested respondent no.2, to return the same with a non-drawal certificate, so that the same can be re-validated. But no heed was paid to the same. The Accounts officer, District

Fund Office Class-IV wing, Baramulla may be directed to authorize the payment of GP Fund accumulation stood to the credit of the deceased subscriber under Account No.15376-SM, if not already done. “

In view of the above stand taken by respondent no.4 and keeping in view the fact that the rest of respondents have not chosen to file any reply, pleadings would be deemed to have been admitted.

In view of the above, this petition is disposed of with the directions to respondent no.2 to take up the matter with respondent no.3 regarding the release of GP Fund of the deceased husband of the petitioner as per the subscription made by him when he was working as Class-IV employee as also Patwari with respondent no.2. After completing the said formalities, case shall be referred to respondent no.4 for release of the said amount in favour of the petitioner along with interest as payable under rules. Let this be done within a period of three months from today.

Disposed of along with connected CMP(s).

(Sunil Hali)
Judge

Jammu
04.11.2010.
'Madan'

