

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**W.P. (S) No. 6971 of 2019**

Munuwa Devi aged about 60 years, wife of late Narayan Mahli, resident of village Badhu, P.O. and P.S. Pithoria, District-Ranchi, Jharkhand  
... Petitioner

**-Versus**

1. Central Coal Fields Limited through its Chairman-cum-Managing Director, at Darbhanga House, P.O. –G.P.O., P.S. Kotwali, District-Ranchi

2. The General Manager (P&IR), at Darbhanga House, P.O. –G.P.O., P.S. Kotwali, District-Ranchi

3. The Chief Medical Officer, Central Hospital, Gandhi Nagar, Central Coal Field Ltd. At & P.O. & P.S. Kanke, District-Ranchi

4. Regional Commissioner, Coal Mines Provident Fund, Region-1, at RIADA Building, 4<sup>th</sup> Floor, Lowadih, P.O. and P.S. Namkum, District-Ranchi

... Respondents

**CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI**

For the Petitioner : Mr. Om Prakash Prasad, Advocate

For the Respondent-CCL : Mr. Vijay Kant Dubey, Advocate

For the C.M.P.F. : Mr. Prashant Kumar Singh, Advocate

**07/Dated:-10 /09/2020.**

1. Heard Mr. Om Prakash Prasad, learned counsel for the petitioner, Mr. Vijay Kant Dubey, learned counsel for the respondent-CCL and Mr. Prashant Kumar Singh, learned counsel for the respondent-State.

2. This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due to COVID-19 pandemic. None of the parties have complained about any technical snag of audio-video and with their consent this matter has been heard on merit.

3. The petitioner has preferred this writ petition for direction upon the respondents to pay C.M.P.F. amount with interest to the petitioner who is the wife of late Narayan Mahli, who died in harness on 13.11.2001.

4. Learned counsel for the petitioner submits that the husband of the petitioner late Narayan Mahli was appointed on 18.08.1982 as Category-I Mazdoor in CCL and he was allotted employee code no. 006319. The husband of the petitioner died in harness on 13.11.2001. The son of the petitioner has already been given compassionate appointment. This fact has been disclosed in para 8 of the writ petition

5. Learned counsel for the respondent-CCL and C.M.P.F. submit that this is a belated writ petition and in this view of the matter the writ petition is fit to be dismissed.

6. The Court negated the arguments of the learned counsel for the respondents as there is no third party right created in the writ petition. Merely on the ground of delay and laches, if the C.M.P.F. amount has been deducted, cannot be withheld by the respondent-CCL. In that view of the matter, the petitioner is directed to move before the respondent no. 2 by way of filing fresh representation within a period of two weeks from today. If such representation is filed within the aforesaid period, the respondent no. 2 shall consider the case of the petitioner in accordance with rules, regulations and guidelines examining whether the petitioner is entitled for relief as sought for in the writ petition or not. If it is found that amount is deducted, benefit of the same shall be accrued in favour of the petitioner. The respondent no. 2 will recommend the same to the respondent no. 4 for needful. He will do so within eight weeks from the date of production/receipt of a copy of this order.

7. With the aforesaid observation and direction, the writ petition stands disposed of.

(Sanjay Kumar Dwivedi, J.)

Satyarthi/