

OD-3

ORDER SHEET

WPO No.462 of 2025
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

REKHA MUKHERJEE & ANR.

-VS-

INDIAN RED CROSS SOCIETY, WEST
BENGAL STATE BRANCH & ANR.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 25th March, 2026.

Appearance:

Mr. Malay Kumar Das, Adv.

Mr. Sourav Chatterjee, Adv.

...for Petitioners.

Mr. Sabyasachi Chatterjee, Adv.

Mr. Kiran Sk., Adv.

...for Respondents.

1. The petitioners claim to be the heirs and legal representatives of the deceased employee, who was serving as Durwan in the Maternity and Child Welfare Hospital run by the Indian Red Cross Society, West Bengal State Branch.
2. The employee retired from service on attaining his age of superannuation in the year 2012 and expired in the year 2024. For the entire period that he was alive after his superannuation, he was unable to get the Provident Fund dues released from his employer.
3. After his death, his widow and son have come forward seeking for a direction upon the Indian Red Cross Society for disbursing the Provident Fund dues of the deceased employee.

4. Preliminary issue as regards the maintainability of the writ petition against the Indian Red Cross Society has been raised by the learned advocate representing the Society.
5. Learned advocate representing the petitioners opposes the aforesaid submission of the Society by relying upon a judgment delivered by the Punjab and Haryana High Court in the matter of **The District Red Cross Society, Sirsa vs. Radha Kishan Rajpal & Ors.** on 15th November, 2004 reported in **MANU/PH/1426/2004**.
6. Be that as it may, as it appears that the statement of contributory Provident Fund account of the employee as on 31st March, 2012 issued by the Indian Red Cross Society showing payment of the employer and employee's share of contribution up to 31st March, 2012, accordingly, the authority ought not to stand in the way of any direction passed for release of the Provident Fund dues of the employee.
7. To allow the learned advocate representing the respondents to revert with proper written instruction, relist the writ petition for further consideration on 8th April, 2026.
8. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

(AMRITA SINHA, J.)