

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO.6063/1998

Regional Provident Fund Commissioner .. Appellant (s)

Vs.

Muliben and Anr. .. Respondent(s)

DATE :7.12.2000 : This/These matter (s) was/were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE S.N. VARIAVA

For Appellant (s) : Mr. Altaf Ahmad, ASG
Mr. T.C. Sharma, Adv.
Mr. Shankar Divate, Adv.
Mr. G. Radhkrishna, Adv.
Mr. A.K. Sharma, Adv.

For Respondent (s) : Mr. Rohit Minocha, Adv.

UPON hearing counsel the Court made the following

O R D E R

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.SP2

Appeal is dismissed in terms of the signed order.

.SP1

(Meenu Sethi)
Court Master

(Meena Trikha)
Court Master

Signed order is placed on the file

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.....L.....I.....J

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6063 OF 1998@@
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Regional Provident Fund Commissioner .. Appellant@@
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Vs.

Muliben and Anr. .. Respondents@@

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The respondent No. 1 made a claim for family pension under the Provident Fund Scheme to which her deceased husband was a subscriber. On the ground that her husband had not contributed to the scheme for some period, Respondent No. 1 is denied the benefit of family pension. The High Court held that under pathetic circumstances such as that the deceased husband of Respondent No.1 having been bed ridden on account of tuberculosis and succumbing to the disease subsequently, he could not make contribution to the Fund. The High Court is of the view that under these circumstances, dependents should not be denied the benefit of family pension.

In the facts of this case, we think there is no justification to interfere with the order made by the High Court that too in a proceeding under Article 136 of the Constitution. The appeal is dismissed accordingly.

.SP1

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[S. RAJENDRA BABU]@@
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[S.N. VARIAVA]@@
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New Delhi,@@
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November 7,2000.