

**FINANCE DEPARTMENT**

No. 20730—G. P. F.-7/82-F.

**OFFICE MEMORANDUM**

The 6th May 1992

**Subject:— Authority competent to appoint guardians to receive payment on behalf of minors in respect of G. P. F. dues of deceased subscriber.**

As per item 5 of "Memorandum Explanatory" of Government Provident Fund Rules *vis-a-vis* the Law on the subject "Incorporated as Appendix-A" of G. P. F. (O) Rules, when the subscriber himself has not nominated a guardian to receive the G. P. F. money on behalf of minor (s) a guardian appointed by a Court to receive payment on behalf of the minors should alone be recognised. But the nature of the Court for issue such a guardianship certificate has not been specified in the said memorandum, as a result of which different Drawing and Disbursing Officers are forwarding guardianship certificate issued by different authorities. Now a doubt has arisen as to which authority is competent to issue guardianship certificate for payment of G. P. F. money on behalf of the minor (s).

2. (a) After consultation with Law Department it is clarified that under Section 7 of the Guardians and Wards Act, 1890, the District Court as defined in the Code of Civil Procedure is the appropriate Court to entertain an application for appointment of a Guardian of his/her person and property or both and for declaring a person to be such guardian. The expression "District Court" also includes High Court in the exercise of the original civil jurisdiction.

(b) Further, under Section 4-A of the Act, the High Court can empower any officer exercising original civil jurisdiction subordinate to a District Court or authorise the Judge of any District Court to empower any such officer subordinate to him, to dispose of any proceeding under the Act transferred to such Officer.

S. K. RATH

Joint Secretary to Government

**FINANCE DEPARTMENT**

No. 21190—G. P. F.-12/89-F.

**OFFICE MEMORANDUM**

The 8th May 1992

**Subject:— Determination of members of family of deceased subscribers to G. P. F. belonging to Muslim and Christian community.**

The undersigned is directed to invite a reference to F. D. O. M. No. 3025-F., dated the 27th January 1990, on the subject mentioned above wherein it is clarified about the claims of the family members of the deceased subscribers belonging to Muslim and Christian community.

In this context, a doubt has arisen about the position of the more than one surviving wives and children of such wives of deceased Subscriber in respect of above communities.