

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

WP(C).No. 21089 of 2015 (I)

PETITIONER(S):

**MR.G.K. THAMPAN, AGED 64 YEARS,
S/O. P.K.K. GOPALAN, LAKSHMI NIVAS,
KOTTAYAM-686 016.**

**BY ADVS.SRI.JACOB CHACKO,
SRI.C.A.JOJO.**

RESPONDENT(S):

- 1. THE CENTRAL PROVIDENT FUND COMMISSIONER,
EPF ORGANIZATION, HUDCO VISHALA ,
14, BHIKAJI CAMA PLACE, NEW DELHI -110 066.**
- 2. THE REGIONAL PROVIDENT FUND COMMISSIONER,
341 BHARTHIYA NIDHI BHAVAN,
BANDRA (E), MUMBAI- 400 051.**
- 3. THE REGIONAL PROVIDENT FUND COMMISSIONER,
OFFICE OF THE REGIONAL PROVIDENT FUND,
KOTTAYAM- 686 010.**
- 4. RAPTAKOS BRETT & CO. LTD.,
REG. OFF. 263, DR. ANNIE BASANT ROAD,
WORLI, COLONY P.O, MUMBAI- 400 030.**

R1 TO R3 BY ADV. SMT.T.N.GIRIJA, SC.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1 TRUE COPY OF THE LETTER ISSUED BY THE FOURTH
RESPONDENT TO THE SECOND RESPONDENT DATED 02-03-2006.
- EXHIBIT P2 TRUE COPY OF THE REPRESENTATION DATED 03-05-2006 TO
THE 2ND RESPONDENT.
- EXHIBIT P3 TRUE COPY OF THE REMINDER LETTER DATED 01-07-2010 TO
THE 2ND RESPONDENT.
- EXHIBIT P4 TRUE COPY OF THE NOTICE DATED 28-01-2014 TO THE
SECOND RESPONDENT.
- EXHIBIT P5 TRUE COPY OF THE LETTER ISSUED BY THE 4TH RESPONDENT
TO THE 2ND RESPONDENT DATED 12-03-2014.
- EXHIBIT P6 TRUE COPY OF THE REPRESENTATION DATED 15-05-2015 TO
THE THIRD RESPONDENT.
- EXHIBIT P7 TRUE COPY OF THE REPRESENTATION DATED 03-06-2015 TO
THE 1ST RESPONDENT AND SECOND RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.21089 of 2015

Dated this the 14th day of July, 2015.

JUDGMENT

Aggrieved by the non-consideration of representation submitted by the petitioner before the first and second respondents, the petitioner has come up before this Court.

2. The petitioner is an employee of the fourth respondent. The petitioner alleges that he retired from the service of the fourth respondent on 12.9.2005. The petitioner opted for employee's pension scheme, 1995 through the employer (fourth respondent). The fourth respondent has submitted the claim form No.10 D with form No.5 & 10 2-A to the second respondent . The fourth respondent requested to settle the provident fund and pension fund account at the earliest by issuing a letter by the second respondent dated 2.3.2006. The petitioner's PF number was MH/1067/614. The petitioner further alleges that he submitted details of Bank Account opened with State Bank of India, Kottayam. Despite

several communications, the petitioner has not received employee's pension scheme. Thereafter, the petitioner sent many representations to the second respondent to settle the provident fund and pension fund account of the petitioner. The petitioner submitted another reminder on 1.7.2010. The second respondent has neither issued any reply nor settled the provident fund till date. The petitioner sent another legal notice on 28.1.2014 requesting for the settlement of provident fund. Aggrieved by the inaction on the part of the second respondent, the petitioner again submitted another representation dated 1.4.2015 to the second respondent to change the records to the third respondent to the convenience of the petitioner as he was staying in Kottayam within the jurisdiction of the third respondent. When he found all his efforts to get his entitled PF amount which he accumulated through his hard work is ending no where, he filed another representation to the first respondent with a copy to the second respondent on 3.6.2015. All these representations are pending on the files of the respondents; it is alleged.

3. I have heard the learned counsel for the petitioner and the learned Standing Counsel for Regional Provident Fund Commissioner in the matter.

4. As the learned counsel confined his argument to the limited prayer for a direction to the respondents 1 and 2 to consider Ext.P7 representation, this Court is of the view that the writ petition can be disposed of even without issuing notice to the fourth respondent.

Therefore, the writ petition is disposed of directing respondents 1 and 2 to consider Ext. P7, after affording the petitioner and the fourth respondent an opportunity of being heard, within a period of one month from the date of receipt of a copy of this judgment.

To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as the copy of this judgment before the respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.