

THE HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.16449 of 2005

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ORDER :

This writ petition is filed seeking to issue a writ of *Mandamus* to declare the action of the respondent in not paying the amounts due under EPF & EPFS pursuant to letter dated 08-04-2005 in A.P.22321/40/AGI-3/6, as illegal and arbitrary.

The brief facts of the case are as follows :

The petitioner, after her retirement, made a claim application to the respondent for the amounts due to her under EPF & EPFS. After considerable delay, the respondent vide its letter dated 20-01-2005 informed her that amounts due to her were settled long back in January, 2002. The petitioner addressed a letter dated 10-03-2005 to the respondent requesting to furnish the details of amounts paid, as she had not received any amount. Pursuant to that letter, the respondent gave a reply vide letter dated 08-04-2005 furnishing the details of the cheque and the account to which the amount was credited. Aggrieved by the letter dated 08-04-2005 of the respondent, the petitioner got issued a legal notice dated 10-06-2005 informing the respondent that the reply given by the respondent that the amount deposited in SB A/c. No.1701, SBH, Chiriyal-435, Ranga Reddy District is not stand in the name of the petitioner herein. Even after receipt of notice dated 10-06-2005, the respondent has not taken any action or given a reply to the said notice.

On a perusal of the record it is evident that the respondent herein deposited the amount in the account of another person of the same name as that of the petitioner. So it is the duty of the respondent to settle the provident fund amount in favour of the petitioner, if it is deposited in the name of some other person

concerned. Hence, this Court is of the view that this Writ Petition can be disposed of as follows :

The respondent herein is directed to verify the records and give a reply to the petitioner herein within a period of one month from the date of receipt of a copy of the order. The petitioner is also directed to communicate the order of this Court along with her representation and also the relevant material, including the bank account and also the

Form No.10-D, which she filed for the EPF account, to the respondent. On such representation along with the material, the respondent is directed to pay the amount in favour of the petitioner.

Accordingly, the Writ Petition is disposed of. No order as to costs. As a sequel, miscellaneous petitions pending, if any, in this Writ Petition are closed.

JUSTICE RAJA ELANGO

06th April, 2015

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