

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 27.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.11971 of 2016

A.Thomas

.. Petitioner

Versus

The Assistant PF Commissioner,
Employees' Provident Fund Organization,
No.3, Municipal Building,
Rajaji Salai,
Chennai-600 045.

.. Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the respondent to settle the Employees' Provident Fund of the petitioner's wife namely, J.Manimegala @ T.Marimarthal, without insisting certificate of Revenue Authorities that the person called J.Manimegala @ T.Marimarthal are one and the same person as by its letter dated 30.09.2015.

For Petitioner : Mr.S.Arivazhagan
For Respondent : Mr.K.Ramu

O R D E R

Heard Mr.S.Arivazhagan, learned counsel appearing for the petitioner and Mr.K.Ramu, learned counsel, accepting notice on behalf of respondent. With the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2. The petitioner has filed this Writ Petition, for issuance of a Writ of Mandamus, to direct the respondent to settle the Employees' Provident Fund of the petitioner's wife namely, J.Manimegala @ T.Marimarthal, without insisting certificate of Revenue Authorities that the person called J.Manimegala @ T.Marimarthal are one and the same person as by its letter dated 30.09.2015.

3. According to the petitioner, his wife's name was J.Manimegala and after marriage, she has converted herself to Christianity and her name has been changed as T.Marimarthal.

Therefore, the petitioner states that taking note of this fact, the respondent-Organization may pay the petitioner, the eligible amount retained by the respondent-Organization.

4. On a perusal of the Communication dated 30.09.2015, issued by the Assistant Provident Fund Commissioner, it is seen that the petitioner's claim has not been rejected and it has been stated that the respondent requires proof to show that both the person is one and the same. Therefore, the petitioner has to necessarily produce appropriate record to show that the petitioner's wife-J.Manimegala is also known as T.Marimarthal. Therefore, on the petitioner complying with the direction issued by the respondent vide Communication dated 30.09.2015, the amount shall be given.

The Writ Petition is disposed of on the above terms. No costs.
r n s

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

The Assistant PF Commissioner,
Employees' Provident Fund Organization,
No.3, Municipal Building,
Rajaji Salai,
Chennai-600 045.

+ 1 cc to Mr.S.Arivazhagan, Advocate, SR 26481

+ 1 cc to Mr.K.Ramu, Advocate, SR 26375

ks(co)
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सत्यमेव जयते

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