

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.39486 of 2015

K.Uthaman
S/o.Kuppuswamy

.. Petitioner

vs.

1.The Commissioner,
Employees Provident Fund Office,
R-40, TNHB Shopping and Office Complex,
Mogappair East,
Chennai - 600 037.

2.Colonel K.Malaippan
Proprietor,
Malli Security and Detective Services,
Old No.959, Poonamallee High Road,
Above RK Medicals,
Vepery, Chennai - 600 084.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to pay EPF dues between 01.05.2013 to 31.08.2014, for 16 months and to direct the first respondent to take necessary action against the second respondent to recover petitioner's EPF dues as expeditiously as possible.

For Petitioner : Mr.R.Mohandoss
for M/s.Swaminathan Law Associates

For Respondents : Mr.R.Arumugam [R1]
Mr.J.Sathya Narayana Prasad [R2]

O R D E R

Heard Mr.R.Mohandoss, the learned counsel for the petitioner, Mr.R.Arumugam, the learned counsel for the first respondent and Mr.J.Sathya Narayana Prasad, the learned counsel for the second respondent.

2. The petitioner claims himself to be an employee of the second respondent for about 16 months and he was informed by the second respondent that his name has been enrolled in the Employment Provident Fund scheme and the contribution deducted from his salary and the Management's contribution has been remitted to the first respondent organisation. The petitioner was assigned EPF No.TN/AMB/66648/1854. On completion of the contract period, the petitioner went to the office of the first respondent to collect the dues payable to him, but he was informed that the EPF number does not tally with his name and reflects the name of other person. Therefore, the petitioner approached the second respondent, who is said to have assured that he will give the correct EPF number. Since the second respondent has not taken any steps to give the correct EPF number, the petitioner is before this Court by way of filing this writ petition.

3. The dispute between the second respondent and the petitioner, being a private dispute, cannot form part of adjudication in the writ petition. However, since the matter pertains to a claim of Employees Provident Fund, this Court is of the view that the first respondent may look into the matter for which purpose the petitioner may give a representation. In the light of the said facts, the relief prayed for by the petitioner cannot be granted.

4. Accordingly, this Writ Petition is disposed of granting liberty to the petitioner to give a representation to the first respondent setting out all facts and enclosing all relevant records including the order passed in this writ petition. The first respondent, on receipt of the same, shall issue notice to the petitioner as well as to the second respondent, enquire into the facts and inform the petitioner in writing as to the exact state of affairs. The above direction shall be complied with within a period of eight weeks from the date of receipt of a copy of this order. No costs.

सत्यमेव जयते

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Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

gm

To

The Commissioner,
Employees Provident Fund Office,
R-40, TNHB Shopping and Office Complex,
Mogappair East, Chennai - 600 037.

+1cc to Mr.J. Sathya Narayana Prasad, Advocate, S.R.No.13189
+1cc to M/s. Swaminathan Law Asso., Advocate, S.R.No.13117

RSY(CO)
EU(15/03/2016)

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