

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 18.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.22892 of 2013

S.ANSAR BASHA

[PETITIONER]

Vs

1 THE COMMISSIONER
REGIONAL PROVIDENT FUND OFFICE
ROYAPETTAH HIGH ROAD
CHENNAI-600 014.

2 THE ZAHRUL HAQ COMPANY
REP. BY ITS DIRECTOR
THIRU. FAIZAL HAZ
KAREEM BEEDI BUNGALOW
OLD NO.23 NEW NO.47
VENKATNARAYANA ROAD
T.NAGAR CHENNAI-17.

[RESPONDENTS]

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the 1st respondent to pay P.F. in credit P.F. A/c. No.TN/19082/12 and pension under 1995 pension scheme.

For Petitioner : Mr.S.T.Varadarajulu

For Respondents : Mr.A.P.Surya Prakasam - R1

O R D E R

Heard Mr.S.T.Varadarajulu, learned counsel appearing for the petitioner and Mr.A.P.Surya Prakasam, learned counsel appearing for the first respondent and with the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2.The Petitioner has come forward with this Writ Petition for issuance of a writ of mandamus to direct the first respondent to pay the provident fund amount to the credit of P.F.A/C No.TN/19082/12 and pension under 1995 pension scheme.

3. According to the petitioner, he was employed as Beedi Roller in the second respondent Company through the Contractor and he was denied employment, since 1992. Challenging the non-employment, the petitioner raised a dispute before the Labour Court, in I.D.No.565 of 1994 and an Award was passed on 22.08.21996, setting aside the order of dismissal, with a direction to reinstate the petitioner with continuity of service and backwages. The petitioner claims that the Management entered into a settlement with him and paid a sum of Rs.1,50,000/- towards backwages.

4. The petitioner's case is that while he joined the service of the second respondent, he enrolled himself under the Provident Fund Scheme and contribution was being deducted from his salary and he was also assigned Provident Fund Account Number. At the time when the Management entered into a settlement with the petitioner, the petitioner requested the respondent Management to settle the Provident Fund dues, for which he was instructed to appear before the first respondent and claim the said benefits. Accordingly, the petitioner approached the first respondent and sent a representation on 15.07.2013, to settle the provident Fund amount and pension. As the first respondent has not effected any payment as requested by him, the petitioner has come forward with this Writ Petition.

5. The learned counsel for the first respondent submitted that unless the petitioner submits necessary forms duly attested by the Management, they would not be in a position to process the petitioner's claim.

6. It is seen that the second respondent Company is closed and the Director of the said Company has also expired, notice in this Writ Petition has returned with the said endorsement and it has also been printed so in the cause list. Therefore, at this stage to call upon the petitioner to approach the Management and obtain appropriate attestation in the statutory forms is next to impossible. Therefore, to examine the entitlement of the petitioner, the petitioner is directed to submit the statutory form self attested giving all particulars and if the petitioner also claims pension that request shall be made separately. On such request being made at the instance of the first respondent, the first respondent shall verify the particulars and if found to be correct, examine whether any provident fund amount is due and payable to the petitioner and effect payment thereof and if the first respondent finds that the claim made by the petitioner is not maintainable for any valid reason, then the first respondent is directed to pass a reasoned order and communicate the same to the petitioner, so as to enable the petitioner to workout his remedies in the manner known to law. The above direction be complied with by the first respondent, within a

period of three months from the date of receipt of the statutory form in terms of the directions aforesaid.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

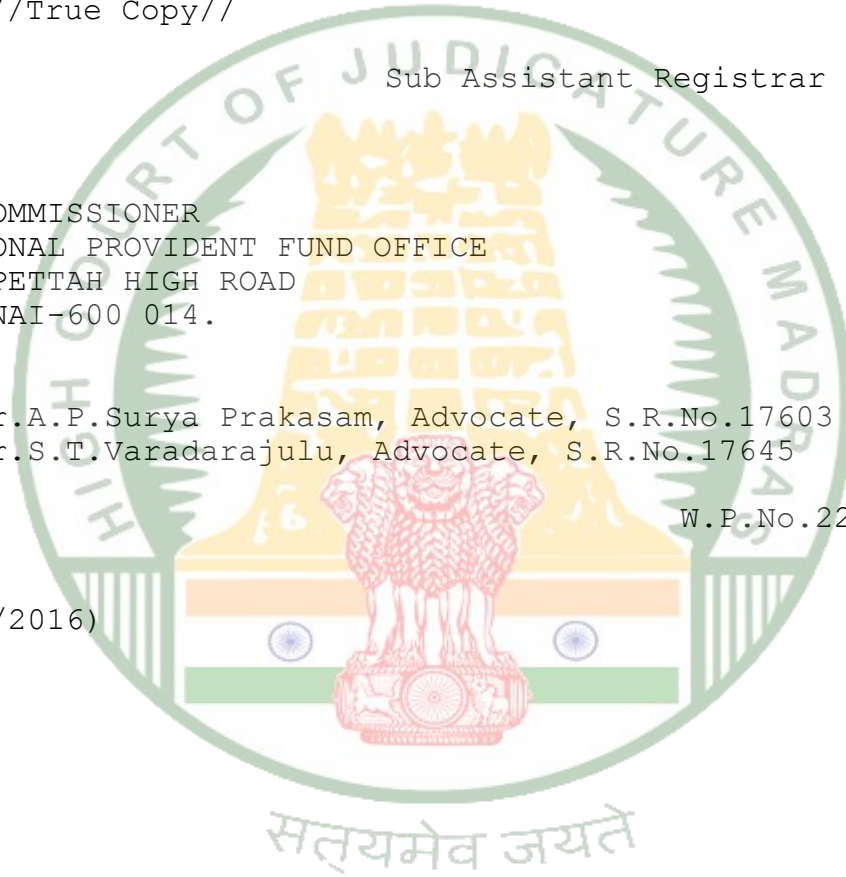
1 THE COMMISSIONER
REGIONAL PROVIDENT FUND OFFICE
ROYAPETTAH HIGH ROAD
CHENNAI-600 014.

+1cc to Mr.A.P.Surya Prakasam, Advocate, S.R.No.17603

+1cc to Mr.S.T.Varadarajulu, Advocate, S.R.No.17645

W.P.No.22892 of 2013

sai (CO)
srg (30/03/2016)



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