



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.17130 of 2016

Jayaram

... Petitioner

-vs-

1. The Regional Provident Fund Commissioner,
Employees Provident Fund Organisation,
Bhavishyanidhi Bhavan,
Dr.Balasundaram Road,
Coimbatore-641 018.

2. The Assistant Provident Fund Commissioner,
The Employee Provident Fund Organization,
Sub Regional Office, Trichy.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to release the Provident Fund of Rs.1,36,857/- to the petitioner in connection with Account No.TN/2901/M74 forthwith.

For Petitioner : Mr.G.Gomathi Sankar

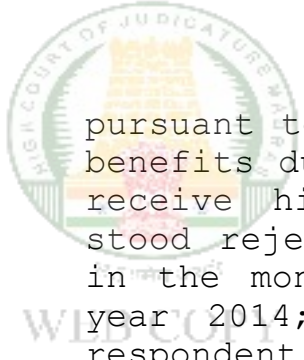
For Respondents : Mr.N.Sivakumar

O R D E R

This writ petition has been filed, seeking to direct the respondents to release the Provident Fund of Rs.1,36,857/- to the petitioner to the credit of the Account No.TN/2901/M74 forthwith.

2.Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

3. The case of the petitioner is that he was working as Assistant under the Thanjavur Sarvodaya Sangam, Kumbakonam Branch from 1966 onwards and was subsequently transferred to Thiruppananthal Branch; that due to some allegation, he was placed under suspension and was subsequently dismissed from service in 2001 itself; that he filed Industrial Dispute Case in I.D.No.97 of 2001 before the Labour Court, Kadalore, which held that the charge against him was not proved and he should be reinstated; that



pursuant to his superannuation, he was not reinstated and his benefits due were also not settled; that he made an application to receive his provident fund from his A/c.No.TN/2901/M74, which stood rejected stating that his account has been settled finally in the month of 2001, whereas the Award was passed only in the year 2014; that thereafter he made application before the 2nd respondent, for which, the 2nd respondent replied that though a sum of Rs.1,36,857/- was available in the account, the said number does not belong to him, but to one Jeganathan, who never worked in Thirupananthan Survothaya Department; that having left with no other alternative or efficacious remedy, the petitioner has approached this Court with the relief stated supra.

4. Learned counsel appearing for the respondents would submit that it is agreeable for the respondents to consider the representation dated 09.02.2015 of the petitioner within a reasonable time frame.

5. It is seen that the request of the petitioner is only based on the award passed by the Labour Court in I.D.No.97 of 2001 dated 18.08.2014, by which the petitioner's dismissal from service has been set aside and the entire salary along with other attendant benefits were also ordered to be paid.

6. In view of the above, the 2nd respondent is directed to consider the representation of the petitioner dated 09.02.2015 and to pass appropriate orders thereon in the light of the decision rendered in I.D.No.97 of 2001, on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

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To:

1. The Regional Provident Fund Commissioner,
Employees Provident Fund Organisation,
Bhavishyanidhi Bhavan,
Dr.Balasundaram Road,



2. The Assistant Provident Fund Commissioner,
The Employee Provident Fund Organization,
Sub Regional Office, Trichy.

WEB COPY

+1cc to Mr.G.Gomathi Sankar, Advocate Sr.No. 55838

+1cc to Mr.N.Sivakumar, Advocate Sr.No. 55986

JAM/28.02.17 /RSK/3P-5C

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