

In the High Court of Judicature at Madras

Dated : 11.07.2017

Coram :

The Honourable Mr.Justice S.M.SUBRAMANIAM

W.P.No.17466 of 2017

R.Saraswathi

... Petitioner

Vs

The Regional Employees' Provident Fund Commissioner,
Regional Office,
37, Royapettah High Road,
Chennai -600 014.

... Respondent

PETITION under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to consider and dispose of the petitioners presentation dated 10.06.2017 and consequently directing the respondent to disburse the Employees Provident Fund of the deceased R.N.Bhaskar to the petitioner's Bank account.

For Petitioner :Mr.B.Thirunavukkarasu,

ORDER

The prayer sought for in this writ petition is to consider the representation submitted by the writ petitioner on 10.06.2017 and for a consequential direction to disburse the Employees Provident Fund of the deceased one Mr.R.N.Baskaran, to the bank account of the writ petitioner. The claim of the writ petitioner is that she is the sister of late R.N.Baskaran who served with M/s.Trinity Nursing Home Pvt Ltd., The grievance set out in this writ petition is that the amount of Employees Provident Fund due to the deceased R.N.Baskaran has not been disbursed in favour of the writ petitioner inspite of the fact that she has submitted necessary application to the respondent.

2. The Writ petitioner admits that the respondent directed the writ petitioner to produce the Succession certificate enabling them to disburse the Employees Provident Fund. Instead of complying with the legal requirement of the production of Succession Certificate to the respondent, the writ petitioner filed this writ petition with a restricted prayer to consider the representation and pass orders. Such a direction, if given by the court, will not serve the purpose, since the writ petitioner herself has not produced the Succession certificate,

which is a mandatory requirement for disbursement of the Employees Provident Fund or any other dues. Hence, such a direction to consider the representation cannot be issued in a routine manner by this court, unless, legal right of the writ petitioner is crystalized. A semblance of any legal right is a minimum requirement to entertain the writ petition under Article 226 of the Constitution of India and in the absence of any legal right established, no writ can be issued in this regard. Thus this court is not satisfied with the grounds raised in this writ petition. Accordingly, the writ petition stands dismissed. However there is no order as to costs.

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

To

The Regional Employees' Provident Fund Commissioner,
Regional Office,
37, Royapettah High Road,
Chennai -600 014.

+1cc to Mr.S.Manjula,Advocate sr.48194

W.P.No.17466 of 2017

rj(co)
ss(3/8/2017)

सत्यमेव जयते

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