

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

WRIT PETITION No.29516 of 2016

Beekkutty `

...Petitioner

Vs.

1.The Regional Provident Fund Commissioner,
Dr.Balasundram Road,
Coimbatore-18.

2.The Assistant Provident Fund Commissioner,
Regional Office,
Bhavishya Nidhi Bahvan P.B.No.3875,
Dr.Balasundram Road, Coimbatore.

3. The Assistant Accounts Officer,
Bhavishya Nidhi Bahvan P.B.No.3875,
Dr.Balasundaram Road,
Coimbatore.

...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to disburse the pension amount of deceased Mohammed Ali in EPF A/c. No.TN/CB/784A/861 vide PPO/10170 along with arrears from 2010 and for consequential orders.

For Petitioner : Mr.K.Chozhan

For Respondents : No Appearance

सत्यमेव जयते

O R D E R

This writ petition has been filed for issuance of writ of Mandamus, directing the respondents to disburse the pension amount of deceased Mohammed Ali in EPF A/c. No.TN/CB/784A/861 vide PPO/10170 along with arrears from 2010 and for consequential orders.

2.It is unfortunate that despite the matter having adjourned on three occasions, there is no representation on behalf of the respondents' counsel or the respondents to put forth their case. From the records, it also seen that notice has already

been served on the respondents and their names are also shown in the cause list.

3. When the matter came on 25.04.2017, the following order was passed:

"The matter stood posted today after adjourning the matter finally on two earlier occasions at the request of the learned counsel for the respondents. Both in the morning and afternoon, there is no representation for the learned counsel for the respondents. However, in view of giving final opportunity, post the matter "for orders" on 26.04.2017"

4. Unfortunately, even today (26.04.2017), there is no representation on behalf of the respondents. Therefore, this court is inclined to proceed with the matter which deals with the pensions payable to the petitioner, who is fighting for about a sum of Rs.510/- from the year 2012 onwards by way of series of representations starting from 04.08.2012 till 06.06.2016 totalling eight in number.

5. The learned counsel for the petitioner would submit that pension was sanctioned in favour of her husband, who was an employer at Mahaveer Plantations, Seaforth, Seaforth Estate, Gudalur T.K, The Nilgiris. It was accordingly granted by the first respondent as per proceedings dated 22.04.1998 signed on 27.04.1998. Even this pension involving a sum of Rs.327/- which was subsequently increased to Rs.560/- was stopped from the year 2010 onwards even during the lifetime of her husband. Both her husband and the petitioner approached the respondents on numerous occasions. The petitioner's husband died on 16.07.2011 and thereafter, the aforesaid representations have been made. The representations were neither looked into nor suitable action taken. The petitioner has also furnished the death and legal heir certificate even in the year 2012. This certificate has been obtained from the Tahsildar, Gudalur and it is also enclosed in the typed set of papers. However, despite the same the petitioner being a coolie is still unable to get the pension due.

6. As this court is handicapped with the relevant particulars through the respondents, the writ petition is taken up for disposal with the available materials.

7. The materials available would disclose that pension was granted in favour of the petitioner's husband in the year 1998. The amount was increased to Rs.560/- thereafter. There is no material to come to the conclusion that on the basis upon which

the pension was stopped even during the lifetime of the petitioner's husband. The petitioner has produced the relevant documents to show her status and the factum of death of her husband. The amount involved is only Rs.560/-.

8.Considering the same, this court is inclined to allow this writ petition. Accordingly, the writ petition stands allowed by directing the respondents to disburse the pension amount atleast from the date of the death of the petitioner's husband-16.07.2011 by way of arrears within a period of eight weeks from the date of receipt of a copy of this order till the month of April 2017. Thereafter, the monthly pension amount of Rs.560/- will have to be paid to the petitioner till her lifetime. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Regional Provident Fund Commissioner,
Dr.Balasundram Road,
Coimbatore-18.

2.The Assistant Provident Fund Commissioner,
Regional Office,
Bhavishya Nidhi Bahvan P.B.No.3875,
Dr.Balasundaram Road,
Coimbatore.

3. The Assistant Accounts Officer,
Bhavishya Nidhi Bahvan P.B.No.3875,
Dr.Balasundram Road,
Coimbatore.

+1cc to Mr.Ananda kumar, Advocate, S.R.No.25166

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MP(CO)
RS(05/05/2017)