

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30713 of 2017

1.Asothai
2.K.Lakshmi
3.K.Ramakrishnan
4.K.Venkatachalapathy
5.K.Radhakrishnan ... Petitioners

Vs.

The Assistant Commissioner,
Employees Provident Fund Organization,
Post Box No.588, Sree Complex,
D Block, No.8, Madurai Road,
Trichy - 620 008. ... Respondent

PRAYER:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to disburse the Employment Provident Fund (Account No.CBTRY/0017211/000/0000071) amount and direct the respondent to sanction the family pension of the petitioners deceased husband K.Kaliyan S/o. Gangaiyan worked in Chengalvarayan Co-op. Sugar Mills Limited, Periyasevalai, Villupuram District to the petitioners.

For Petitioners: Mr.Krishnan & Ms.E.Deepika

For Respondent : Ms.V.J.Latha

O R D E R

The relief sought for in this writ petition is to direct the respondent to disburse the Employment Provident Fund (Account No.CBTRY/0017211/000/0000071) amount and direct the respondent to sanction the family pension of the petitioners deceased husband K.Kaliyan S/o. Gangaiyan worked in Chengalvarayan Co-op. Sugar Mills Limited, Periyasevalai, Villupuram District to the petitioners.

2.The first petitioner is the third wife of the deceased employee, Late K.Kaliyan. The learned counsel appearing on behalf of the writ petitioners states that the deceased employee married the first writ petitioner after the death of the first and second wives. Thus, the marriage solemnized between the deceased employee and the first writ petitioner was in accordance with law. The first writ petitioner is the legally wedded wife and therefore, she is entitled to the Employment Provident Fund as applicable under the provisions of the Act. However, the respondent has not disbursed the Employment Provident Fund to the husband of the first writ petitioner.

3.The learned counsel appearing on behalf of the respondent states that the writ petitioners have not produced the Legal Heirship Certificate for the purpose of considering the case of the writ petitioners. In the absence of any Legal Heirship Certificate, the petitioners have to produce the Succession Certificate issued by the Competent Court of Law. In otherwise, in the absence of any valid Legal Heirship Certificate or a Succession Certificate, the respondent will not in a position to consider the case of the writ petitioners under the provisions of the Act.

4.In this view of the matter, this Court is of an opinion that the writ petitioners are bound to submit a requisite document for the purpose of disbursement of the Employees Provident Fund and family pension as per the provisions of the Act. The respondent is ready to consider the case of the writ petitioners in the event of producing the Legal Heirship certificate or the Succession Certificate issued by the Competent Authorities.

5.Accordingly, the writ petitioners are at liberty to submit a valid Legal Heirship Certificate or the Succession Certificate so as to enable the respondent to consider the case of the writ petitioners for grant of Employment Provident Fund and family pension in accordance with law.

6.On receipt of any such certificate from the writ petitioners, the respondent is directed to consider the same on merits and in accordance with law, without any further delay, within a reasonable period of time.

7.Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS IV)

//True copy//

Sub Assistant Registrar

ah

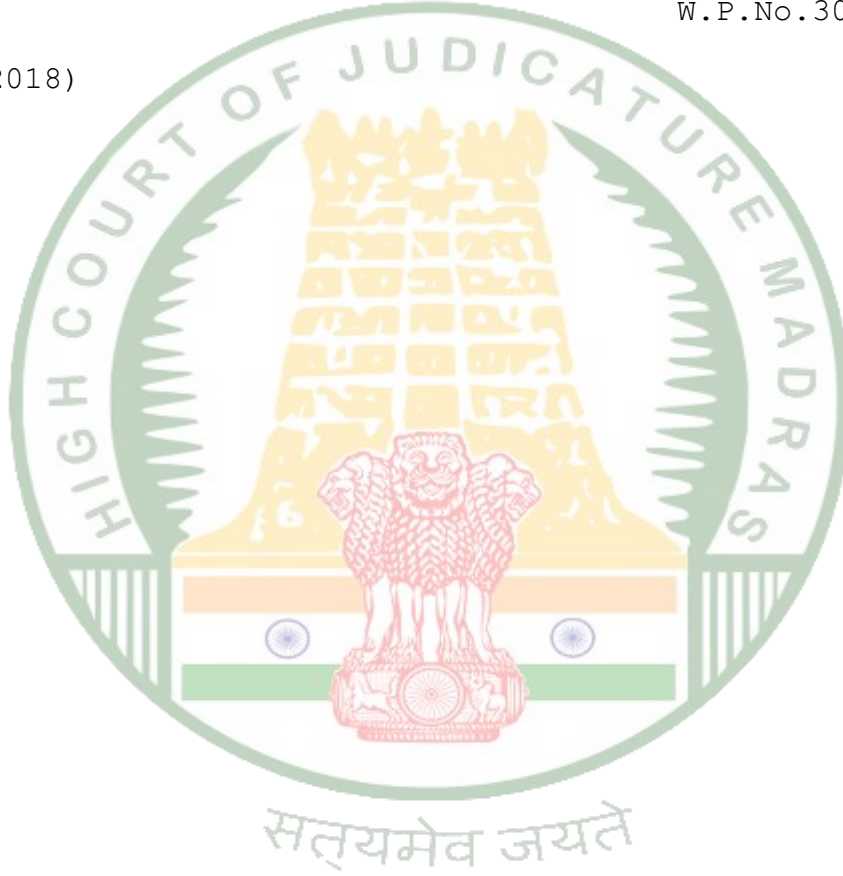
To

The Assistant Commissioner,
Employees Provident Fund Organization,
Post Box No.588, Sree Complex,
D Block, No.8, Madurai Road,
Trichy - 620 008.

+lcc to Mr.V.J.Latha, Advocate SR.No.40774
+lcc to Ms.L.Karthika, Advocate SR.No.40781

W.P.No.30713 of 2017

NRL(CO)
GN(02/08/2018)



WEB COPY