



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2018

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.20779 of 2018

WEB COPY

V.Renuga Devi

... Petitioner

-Vs-

The Commissioner,
Office of the Employees Provident Fund Commission,
Opp.to Lady Doak College,
Madurai-625 002.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to grant the petitioner family pension arising due to the death of her husband, Vijayan, S/o.Muniyasamy in PPO No.TN/MDU/49768 in view of the Decree passed in O.S.No.270/2017 dated 03.04.2018 by considering her representation dated 02.07.2018.

For Petitioner : Mr.A.Haja Mohideen
For Respondent : Mr.K.Murali Shankar

ORDER

This petition has been filed, seeking to direct the respondent to grant Family Pension to the petitioner on account of the death of her husband, Vijayan, S/o.Muniyasamy in PPO No.TN/MDU/49768 on the basis of the Decree passed in O.S.No.270/2017 dated 03.04.2018 by considering her representation dated 02.07.2018.

Brief Facts:

2. The case of the petitioner is that her husband had worked as Labour in Madura Coats at Madurai and had been getting pension from 07.04.2008, pursuant to registration of his name with the respondent. While so, her husband was found missing on account of his heavy mental pressure. The petitioner has been eking out her livelihood by working as housemaid and her efforts to trace out her husband also ended in vain.

2.1. Though she had given a police complaint on 09.03.2017 for tracing out her husband and also had given paper publication in the newspaper, she could not find out her husband. Subsequently, she had filed a suit in O.S.No.270 of 2017 seeking to declare that her husband was dead and obtained a decree in her favour with further declaration that she and her two daughters are the legal heirs of the deceased person;

2.2. The petitioner has thereafter approached the respondent by way of a representation dated 02.07.2008, followed by



a reminder, to grant her family pension in the strength of the decree, there was no proper reply received from the respondent. Therefore, having left with no other efficacious remedy, the petitioner is before this Court with the above prayer.

3. When the matter was taken up for hearing, learned counsel appearing for the respondent would submit that the petitioner has not made any application in an appropriate format so as to enable the authority concerned to consider the request of the petitioner. In the event of the petitioner submitting appropriate application in accordance with the provisions of EPF Act, 1952 and the relevant Pension Scheme, 1995, the same will be considered and suitable orders will be passed thereon.

4. In view of the above submission, I am of the view that no blanket direction can be issued to the respondent, as sought for by the petitioner in this writ petition in the absence of non production of required documents. Hence, this writ petition is disposed of with a direction to the petitioner to submit necessary application as required by the respondent and in case any such application is filed by the petitioner, the same shall be considered and disposed of in accordance with law within a period of one month from the date of receipt of submission of appropriate application. No costs.

Sd/-

Assistant Registrar(Crl.side)

/True Copy/

Sub Assistant Registrar(CS-I)

To

The Commissioner,
Office of the Employees Provident Fund Commission,
Opp.to Lady Doak College,
Madurai-625 002.

+1CC to Mr.K.Murali Shankar, Advocate, SR.No.88472

W.P. (MD) No.20779 of 2018
03.10.2018

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