

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.07.2019

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.22178 of 2019

Dharnanidara Spinning Mills Private Limited
Rep by its Managing Director
Having office at Kanagagiri Village,
Kakapalayam, Sankari Taluk,
Salem - 637 504. Petitioner

Vs.

Employees Provident Fund Organisation,
Rep by its Additional Provident Fund Commissioner,
No.37, Royapettah High Road,
Opp. to Swagath Hotel,
Chennai - 600 104. Respondent

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to release the provident fund collected from the employees with interest which is lying with the respondent to the employers if the amount is not claimed by the employees within a period of 5 years.

For Petitioner : Mr.S.Raveendran

ORDER

This Writ Petition has been filed seeking for a direction to the respondent to release the provident fund collected from the employees with interest which is lying with the respondent to the employers if the amount is not claimed by the employees within a period of 5 years.

2. The case of the petitioner is that they are one of the industrial establishments among many number of industrial establishments. As per statutory provisions, the respondent Employees Provident Fund Organisation has deducted a sum towards Provident Fund contribution from the salaries/wages of the petitioner's employees. But, the same has not been disbursed to

their employees after they leaving the service. Therefore, they have filed this Writ Petition before this Court.

3. The learned counsel for the petitioner would submit that their employees are migrating from one establishment to another establishment, and therefore, the respondent authority may be directed to refund the provident fund amount collected from their employees to their employees along with interest.

4. Heard the learned counsel on either side.

5. It is the duty of the employer to deduct provident fund amount from the salaries of their employees to remit the same to the respondent authority. Merely because the employees are jumping from one establishment to another establishment does not empower the employer to seek refund of the amount deposited. That apart, the relief sought for in this Writ Petition itself is not maintainable before this Court, and therefore, this Court is not inclined to grant the same.

6. Accordingly, this Writ Petition is dismissed. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

raja
To

The Additional Provident Fund Commissioner,
Employees Provident Fund Organisation,
No.37, Royapettah High Road,
Opp. to Swagath Hotel,
Chennai - 600 104.

+1 CC to Mr.S.Raveendran, advocate sr 64852.

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SV(CO)
SP(12/09/2019)