

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.18834 of 2019

Tmt. G. Gandhimathi

...Petitioner

vs

1. The District Registrar of Co-operative Societies,
Thiruvarur District.

2. The Special Officer,
Z 682, Seethakkamangalam Primary Agricultural
Co Operative Credit Society Ltd,
Vellamandapam Post,
Kudavasal Taluk,
Thiruvarur District.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 2nd respondent to disburse the accumulated employees provident fund dues payable to the estate of the deceased employee Viz., Govindaraj as per the petitioner's representation dated 06.06.2014 within the stipulated time as directed by this Hon'ble Court.

For Petitioner: Mr. R. Boopathy

For Respondents: Mr. Bala Ramesh,
Special Government Pleader
for R1 and R2

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O R D E R

The petitioner has filed this Writ Petition seeking direction to the 2nd respondent to disburse the accumulated employees provident fund dues payable to the estate of the deceased employee Viz., Govindaraj as per the petitioner's representation dated 06.06.2014 within the stipulated time.

2. The case of the petitioner is that the petitioner's husband was appointed as Junior Assistant with the second respondent in the year 1976 and he was placed under suspension on account of mismanagement in service on 11.12.2008. Subsequently on 17.01.2009, a charge memo along with show cause notice was issued by the second respondent. Thereafter on 17.08.2019, the petitioner's husband was dismissed from service after concluding exparte enquiry. Subsequently Appeal was preferred before the first respondent.

3. During the pendency of the Appeal, the petitioner's husband died due to illness and thereafter on 06.06.2014, the petitioner sent a representation to the second respondent to release Employees Provident Fund amount. The said representation was duly received by the second respondent on 07.06.2014 but however even after a lapse of more than five years the eligible dues were not disbursed. Thereafter she sent RTI Application dated 25.09.2017 for which the second respondent sent their reply stating that a sum of Rs. 76,463/- is in credit of the deceased employee and the same will be disbursed on proper Application. However, the second respondent has not considered the representation dated 07.06.2014 and making delay in disbursing his eligible EPF dues.

4. The learned Special Government Pleader would submit that as per bylaws, the petitioner is not entitled to other monetary benefits except EP fund. Accordingly as per due calculation it is found that a sum of Rs. 76,463/- is available towards EPF accumulated and the respondent is ready to disburse the said amount, if the petitioner produces the legal heir certificate.

5. In view of the above, learned counsel for the petitioner would submit that the petitioner is ready to produce the legal heir certificate before the second respondent and would request that appropriate direction may be issued to the second respondent to disburse the EPF amount, within a reasonable time, as stipulated by this Hon'ble Court.

6. In view of the above submissions made on either side, I am inclined to permit the petitioner to submit the legal heir certificate before the second respondent within two (2) weeks from the date of receipt of a copy of this order and the second

respondent on receipt of the legal heir certificate to disburse the EPF and any other eligible due, on the basis of the legal heir certificate, within a period of two weeks therefrom. With the above directions, the Writ Petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrn

To

1. The District Registrar of Co-operative Societies,
Thiruvarur District.
2. The Special Officer,
Z 682, Seethakkamangalam Primary Agricultural
Co Operative Credit Society Ltd,
Vellamandapam Post,
Kudavasal Taluk,
Thiruvarur District.

+1cc to Mr.Boopathy, Advocate Sr.79237
+1cc to M/s.Bala Ramesh, Advocate Sr.80020

W.P.No.18834 of 2019

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srg 18/11/2019

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