



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2020

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P.(MD) No.2872 of 2020

WEB COPY

K.Pandi

... Petitioner

/vs./

The Chairman,

Employees Provident Fund Trust,

Tamil Nadu State Transport Corporation (Madurai) Ltd.,

Madurai Region, Bye Pass Road, Madurai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to sanction the non refundable amount of Rs.4,00,000/- from employees contribution in the petitioner's E.P.F account within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.M.Xavier

For Respondent : Mr.J.Senthilkumariah
Standing Counsel

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondent to sanction the non refundable amount of Rs.4,00,000/- from employees contribution in the petitioner's E.P.F account, in my view, such a decision is to be taken by the respondent and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioner would submit that she has already made an application on 20.08.2018 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

4. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.



5. In view of the above observations, there shall be a direction to the respondent herein to consider the petitioner's application, dated 20.08.2018, on its own merits and pass appropriate orders within a period of six (6) weeks from the date of receipt of a copy of this order and take further course of action, if not already done. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in her representation and it is for the respondents to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

+1 CC to Mr.J.SENTHIL KUMARAIAH, Advocate (SR-6375[F] dated 14/02/2020)

Order made in
W.P. (MD) No.2872 of 2020
13.02.2020

VB(24.02.2020) 2P 2C