



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.4683 of 2021

A. Sekar

... Petitioner

-vs-

1. The Director
Provident Fund Office,
37, Royapettah High Road,
Royapettah, Chennai 600 014.

2. P. Ravindra Reddy
Deputy General Manager,
Vijaya Hospital,
Old No.180, New No.434, N.S.K.Salai,
Vadapalani, Chennai 600 026.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent herein to settle the P.F. Account payable to the petitioner under No.UAN-100232214117.

For Petitioner : Mr.K.Gajendiran

For Respondents : Mr.C.Mohan
for M/s.King & Patridge for R2

ORDER

This writ petition has been filed, seeking a direction to the first respondent herein to settle the P.F. Account payable to the petitioner under No.UAN-100232214117 .

2. The learned counsel for the petitioner submitted that the petitioner has rendered services from 1984 to 2019 and he, despite a member of Provident Fund, has not been settled the Provident Fund amount by the Authorities. The petitioner further submitted that inspite of several requests made, not even a pie has been paid to him for the contribution made by the employer and employee to his Provident Fund Account.



3. Even though notice has been served on Mr.Vishnu appearing for R1 and Mr.Mohan, learned counsel for R2 / Vijaya Hospital, only the first respondent alone has filed a counter affidavit, wherein it has been stated that the petitioner had made an application for loan under Para 68 B(1) (b) for purchase of plot. On receipt of the application, an advance was processed for the amount of Rs.4,13,800/- and the same was duly credited into the account of the petitioner. It has been further stated in the counter that thereafter, there is no representation or application received from the petitioner claiming amount till date and also with regard to the change of Date of Birth. When an application is made, the records would be scrutinized and the amount, due to the petitioner as per the records available, will be paid.

4. Mr.Mohan, learned counsel appearing for R2 / Vijaya Hospital submitted that it appears that the petitioner has three dates of birth for the best reasons known to him and based on the date of birth found incorporated in the 10th standard transfer certificate, appointment order was given to the petitioner on 01.12.1984, as per which, he attained the age of superannuation on 31.05.2019. He further submitted that contribution has been paid by the employer and the employee to the Provident Fund department for the period between 1984 and 2019 and the request of the petitioner, that his date of birth has got to be altered, on the basis of which, the period has to be revised for the purpose of Provident Fund contribution, cannot be accepted.

5. Heard both sides and perused the materials available on record.

6. It is not in dispute that the petitioner joined services on 01.12.1984 based on the transfer certificate showing the date of birth as 20.05.1961. I have already held in the case of P.Jeyachandran vs. The Director of School Education Department, Chennai [W.P.(MD)No.15490 of 2020] decided on 06.11.2020 that a person can have more than one date of birth, viz., one for the purpose of entry into service and another one for marriage.

7. In the present case on hand, the petitioner seems to have more than three dates of birth and the petitioner has joined the services on 01.12.1984 based on the date of birth indicated in the 10th standard transfer certificate, namely, 20.05.1961 and he attained the age of superannuation on 31.05.2019. As contribution of the employer and employee has already been paid from 1984 to 2019, namely, from the date of entry into service till the date of retirement, the Provident Fund is directed to settle all the dues to the petitioner, after adjusting the loan amount already paid, on the petitioner making necessary



application, within a period of one month from the date of receipt of a copy of this order. On receipt of such application, the Provident Fund Authorities are directed to assist him to get the dues at the earliest point of time, preferably, within a period of two months from the date of receipt of application, bearing in mind the current pandemic situation, as funds are required not only to survive, but also to purchase medicines for the entire family.

8. With the above observation, the writ petition is ordered. This Court, at this stage, has not rendered any opinion or finding, with regard to alteration of date of birth, if any made by the petitioner, as this is not the proper Forum for adjudication for the reasons stated supra. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

dpq

To

The Director,
Provident Fund Officer,
37, Royapettah High Road,
Royapettah,
Chennai-600 014.

+1cc to Mr.King and Partridge, Advocate Sr.25537
+1cc to Mr.K.Gajendiran, Advocate Sr.25555

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