



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2021

CORAM

THE HON'BLE MR. JUSTICE M.S.RAMESH

W.P.No.20147 of 2021

K.Ramachandran

... Petitioner

Vs.

1.The Union of India,
rep by its Secretary,
Ministry of Labour and Employment,
Sham Shakti Bhawan, Rafi Marg,
New Delhi - 110 001.

2.The Employees' Provident Fund Organisation,
Regional Office, Ambattur,
R-40, A-1, TNHB Shopping cum Office Complex,
Mugappair Road, Mugappair East,
Chennai - 600 037.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the 2nd respondent to receive the composite claim form dated 27.07.2021 of the petitioner and process the same without insisting for the attestation of the employer to withdraw the entire amount in his PF/EPS Account No.:TN/40642/121.

For Petitioner : Mr.J.Deliban

For Respondents: Mr.G.Baskaran,

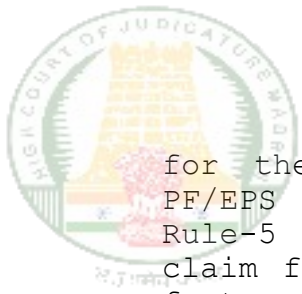
Central Government Standing Counsel (R1)

Mr.J.Sathya Narayana Prasad (R2)

O R D E R

By consent of both the parties, this Writ Petition is taken up for final disposal.

2.Since the petitioner's application dated 27.07.2021, to withdraw PF amount, was returned by the 2nd respondent on 12.08.2021 for want of attestation from the employer, inspite of the fact that the petitioner had enclosed the lock out notice issued by the Company, the present Writ Petition, seeking a direction to the 2nd respondent to receive the composite claim form dated 27.07.2021 and to process the same without insisting



for the attestation of the employer to withdraw the entire PF/EPS amount, has been filed. According to the petitioner, Rule-5 of the instruction sheet for filing of the composite claim form contemplates that in case of lock out or closure of factory/cut in electricity in establishment, no document is required to process the claim form.

3.It is needless to point out that whenever representations of this nature are made to a Statutory Authority, 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. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4.In the light of the above observations, it would be appropriate to direct the 2nd respondent herein to consider the petitioner's application dated 27.07.2021 within a stipulated time and thereby, the ends of justice could be secured. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5.Accordingly, there shall be a direction to the 2nd respondent to consider the petitioner's application dated 27.07.2021 on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

va

To

1.The Secretary,
Union of India,
Ministry of Labour and Employment,
Sham Shakti Bhawan, Rafi Marg,
New Delhi - 110 001.



2.The Employees' Provident Fund Organisation,
Regional Office, Ambattur,
R-40, A-1, TNHB Shopping cum Office Complex,
Mugappair Road, Mugappair East,
Chennai - 600 037.

+1cc to Mr.J.Deliban, Advocate, S.R.No.52662
+1cc to Mr.G.Baskaran, Advocate, S.R.No.52581

W.P.No.20147 of 2021

SJ(CO)
CB(27/10/2021)