



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.22511 of 2021

M.Ravi

...Petitioner

-Vs-

1. Regional Provident Fund Commissioner,
Employees' Provident Fund Organization,
No.37, Royapettah High Road,
Chennai - 600 014.
2. Assistant Provident Fund Commissioner,
Accounts Gr (2),
Employees' Provident Fund Organization,
No.37, Royapettah High Road,
Chennai - 600 014.
3. Sodexo Technical Services India Pvt. Ltd.,
No.6A, 5th Floor,
Ambedkar Road,
Kodambakkam,
Chennai - 600 024.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the first and second respondent to recover the Provident Fund Contribution from the third respondent payable in respect of the petitioner's Provident Fund Account No.TN / 52711 / 9365 for the period from 08.02.2000 to October 2011 along with interest, pay the contribution so recovered to the petitioner along with interest, pay pension by taking into account of the entire period of service rendered by the petitioner viz., 01.02.1999 to July 2017, pay pension arrears of pension from August 2017, continue to pay pension.

For Petitioner : Mr.Balan Haridas
For R1 & R2 : Mr.R.Vishnu

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

2. The limited prayer sought for in this writ petition for a direction to the first and second respondents to recover the



Provident Fund contribution from the third respondent, payable to the petitioner's Provident Fund account, together with interest.

3. The issue as to whether the contribution can be recovered from the third respondent or not is a decision to be taken by the authorities, based on factual aspects and this Court may not be justified in stepping into the shoes of the first and second respondents. Nevertheless, if the petitioner is granted liberty to give a fresh representation to the authorities in this regard, with a consequential direction to the authorities to consider the same, the ends of justice could be secured.

4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the second respondent ventilating his grievances and on receipt of such a representation, the second respondent shall dispose of the same by following due process of law and by extending due opportunity to the petitioner as well as the third respondent herein, which process shall be completed, atleast within a period of three months from the date of receipt of such representation, if any.

5. Accordingly, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

hvk/ata
To

1. The Regional Provident Fund Commissioner,
Employees' Provident Fund Organization,
No.37, Royapettah High Road,
Chennai - 600 014.
2. The Assistant Provident Fund Commissioner,
Accounts Gr (2),
Employees' Provident Fund Organization,
No.37, Royapettah High Road,
Chennai - 600 014.

W.P.No.22511 of 2021

GSM[co]
NSK 02/11/2021