



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.06.2022**

CORAM:

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

W.P. (MD)No.500 of 2022

A.Jeyakumar

... Petitioner

/vs./

1.The Secretary to Government,
Government of Tamil Nadu,
Social Welfare Department,
Fort St. George, Chennai - 600 009.

2.The Commissioner,
Employees Provident Fund Organization,
No.37, Royapettah High Road,
Chennai -600 014.

3.The Regional Provident Fund Commissioner,
E.P.F.Organization, Regional Office,
81, Madurai Road, Jeeva Nagar,
Tiruchirappalli, Tamil Nadu - 620 008. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse petitioner's minor daughters proportional share in the Provident Fund, death-cum-terminal benefits, pension and insurance amount under the (EDLI) Scheme lying in the credit of the Universal Account No.100813255431 of petitioner's deceased wife J.Delphin Shanthi to the petitioner without insisting on production of Guardianship certificate.

For Petitioner	: Mr.S.I.Muthiah
For Respondents	: Mr.G.Suriyananth, Additional Govt. Pleader for R1 Mr.N.Dilip Kumar, Standing Counsel for R3

ORDER

The limited prayer sought for in the present writ petition is for a direction to the respondents to disburse the minor daughters' share in the Provident Fund, death-cum-terminal benefits, pension, insurance amount under the (EDLI) Scheme and other monetary benefits. The petitioner is the father of minor daughters viz., Ashlee Edwina and Leviya Savannaha. Apparently, the petitioner is the natural guardian of his two minor daughters.

2. Section 72 sub-section (3) of the Employees' Provident Funds Scheme, 1952 provides that when no guardian under the Guardians and



Wards Act, 1890 has been appointed, minor's share of the provident fund shall be made to the natural guardian.

3. It is stated that the respondents are now insisting the petitioner for production of certificate of guardianship. In the absence of any specific provisions in the Employees' Provident Funds Scheme, 1952 for such a claim and in the light of Section 72(3) of the Scheme, they may not be justified in seeking for it. As such, there cannot be any other impediment for the respondents to disburse the minors' shares of provident fund and other monetary benefits to the petitioner herein, who is their father.

4. In the light of the above discussion, there shall be a direction to the respondents herein to forthwith disburse the petitioner's minor daughters' share in the Provident Fund, death-cum-terminal benefits, pension, insurance amount under the (EDLI) Scheme, including any other monetary benefits that may be due, by passing necessary orders for remitting the amount to the petitioner's account, within a period of six weeks from the date of receipt of a copy of this order.

5. This Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

vsm

To

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Tiruchirappalli, Tamil Nadu - 620 008.

+1 CC to M/s.S.I.MUTHIAH, Advocate (SR-26496[F] dated 17/06/2022)

+1 CC to M/s.SPL.GP (SR-26834[F] dated 20/06/2022)

W.P. (MD) No.500 of 2022

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