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W.P.No.23385 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23385 of 2016

K.Subramanian

... Petitioner

Vs.

1.The Regional Provident Fund Commissioner,
Employees Provident Fund Organization,
Bhavishya Nidhi Bhavan,
No.341, Bandra East,
Mumbai – 400 051.

2.The Management,
Mercury Travels Limited,
The Oberoi,
Oberoi Shopping Centre,
Nariman Point,
Mumbai – 400 021.

3.The Management,
Mercury Travels Limited,
No.191, Anna Salai,
Chennai – 600 006.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 31.10.2015 to settle the Provident Fund and also pay the Provident Fund Superannuation pension by taking into account of the entire service from 13.08.1984 to 16.01.2014 on its merits and in accordance with the law and pass



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orders within the time frame stipulated by this Honourable Court.

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For Petitioner : Mr.Balan Haridass
For Respondents : Mr.T.R.Sundaram for R1
Mr.K.Rangesh for R2
for M/s.Jayaraman Associates

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 31.10.2015 to settle the Provident Fund and also pay the Provident Fund Superannuation pension by taking into account of the entire service from 13.08.1984 to 16.01.2014 on its merits and in accordance with the law and pass orders within the time frame stipulated by this Court.

2.The case of the petitioner is that the petitioner was working under the third respondent and the second respondent is the Head Office. The petitioner is covered under Employees Provident Fund Miscellaneous Provisions Act, 1947. The petitioner was terminated from service vide order of the third respondent dated 27.10.1998 and hence the petitioner filed appeal under Section 41(2) of the Tamil Nadu Shops and Establishments Act, 1947 and the Authority under the Tamil Nadu Shops and Establishments Act, 1947 vide order dated



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17.01.2001 set aside the termination order. Challenging the same, the third respondent filed writ petition in W.P.No.8695 of 2001 and the said writ petition was dismissed on 21.06.2010. Thereafter the third respondent reinstated the petitioner into service, however, did not pay any backwages.

3. According to the petitioner, he is entitled to get provident fund final settlement and superannuation pension for his entire service from 13.08.1984 to 16.01.2014 and hence, he made representation dated 31.10.2015 to the first respondent and since the same was not considered, has filed this writ petition.

4. The first respondent has filed counter affidavit stating that a sum of Rs.1,06,627/- has been settled by the respondent office on 04.11.2016 vide cheque no.437754 dated 04.11.2016 towards provident fund accumulations and pension has been sanctioned to the petitioner.

5. The learned counsel appearing for the petitioner submitted that the petitioner may be granted liberty to make representation to the respondents seeking balance amount, if any, along with relevant



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documents and may issue direction to the respondents to consider the same and pass appropriate orders.

6.In view of the above, this Court grants liberty to the petitioner to make representation to the respondents seeking balance amount, if any, along with relevant documents, within a period of two weeks from the date of receipt of receipt of a copy of this order. If any such representation is made by the petitioner, the respondents shall consider the same, on merits and in accordance with law and pass appropriate orders, within a period of four weeks from the date of receipt of such representation.

7.The writ petition is accordingly disposed of. No costs.

05.07.2023

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1.The Regional Provident Fund Commissioner,
Employees Provident Fund Organization,
Bhavishya Nidhi Bhavan,
No.341, Bandra East,
Mumbai – 400 051.

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M.DHANDAPANI,J.
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