



W.P.No.10035 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10035 of 2023

R.Kavitha

...Petitioner

Vs

1.The Regional Provident Fund Commissioner,
Employees Provident Fund Regional Office,
37, Royapettah High Road,
Opp to Swagat Hotel, Chennai - 600 014.

2.The Regional Provident Fund Commissioner,
Regional Office, Delhi - North,
Bhavishya Nidhi Bhavan,
28, Community Centre,
Wazirpur Industrial Area, Delhi - 110 052.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to disburse the PF and pension of the petitioner's deceased husband with UAN.No.100052039409 within a time frame.

For Petitioner : Mr.K.C.Karl Marx



W.P.No.10035 of 2023

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ORDER

Heard Mr.K.C.Karl Marx, learned counsel for the petitioner. In view of the order to be passed in this Writ Petition, notice to the respondents is hereby dispensed with.

2. The petitioner herein had given a representation to the first respondent on 02.11.2021, seeking for disbursement of the Provident Fund and pension of her deceased husband. Thereafter, the petitioner had also made an application on 01.07.2022. Since the representation and the application were not considered, the present Writ Petition has been filed.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him 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.



W.P.No.10035 of 2023

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4. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 02.11.2021 and the application dated 01.07.2022, on its own merits and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. 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 respondents to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of.

No costs.

31.03.2023

Index:Yes/No

Speaking order/Non-speaking order

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W.P.No.10035 of 2023

M.S.RAMESH,J.

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To

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