



WEB COPY



W.P. No.15157 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.15157 of 2017

and

W.M.P. No.27420 of 2018

1. Minor J.Jerlinasha
D/o.Late J.John Edward

2. Minor J.Anroose Raja
S/o.Late J.John Edward

Rep. by their mother and natural
Guardian J.Arokiamary

... Petitioners

-VS-

The Regional P.F.Commissioner
Sub Regional Office, Ambattur
R-40A, TNHB Office Complex
Mogappair Road, Mugappair (East)
Ambattur, Chennai – 600037.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records of the respondent in the proceedings of TN/SRO/AMB/INITIAL SCRUTINY/2016 dated 21.10.2016 and to quash the said proceedings and consequential directing the respondent to consider the Claim Application Form 20 and Form 5(IF) of the petitioners claiming for withdrawal of the E.P.F. and E.D.L.I. accumulation of deceased J.John Edward, father of Petitioners.



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For Petitioners : Mr.L.Sasireka
For Respondent : Mr.Sunita Kumar

ORDER

This petition has been filed seeking to quash the respondent in the proceedings of TN/SRO/AMB/INITIAL SCRUTINY/2016 dated 21.10.2016 and consequently directing the respondent to consider the Claim Application Form 20 and Form 5(IF) of the petitioners claiming for withdrawal of the E.P.F. and E.D.L.I. accumulation of deceased J.John Edward, father of Petitioners.

2. It is the case of the petitioners that the petitioner's father viz., John Edward was an employee in ALFA Engineers at No.K-15, Industrial Estate, Ambattur, Chennai. The father of the petitioners died leaving his parents, wife and children. The parents of the petitioners have consented to settle the share of the EPF and EDLI accumulation of their deceased son to his wife and minor children, who is the petitioners herein. Therefore, the petitioners and their mother applied form 20 and form 5(IF) claiming withdrawal of the EPF and EDLI accumulation of the deceased. On 04.02.2016 and 05.02.2016, a part of full amount of the benefit of the deceased, in respect of the share of his wife as well as the mother of the petitioners was settled her by way of crediting into her



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saving bank account. But the remaining part of full amount of the benefits in

respect of the share of the petitioners has not been settled. Therefore, the petitioners made a claim petition before the respondent and the same was not considered and subsequently, the respondent returned the claim petition to the petitioners, vide proceedings dated 21.10.2016 on the ground that guardianship certificate issued by the Court of law along with Form 20 and Form 5(IF) duly completed in all aspects and forwarded by the employer on original for necessary action. Challenging the said proceedings, the present writ petition has been filed.

3. The learned counsel for the petitioners submitted that the petitioner and her mother have obtained legal heir certificate from the competent authority. Based on the legal heir certificate, the petitioners are entitled for getting the benefit of the deceased father. However, the respondent returned the claim petition to the petitioners to enclosed the guardianship certificate issued by the Court of law and the same is perverse. Therefore, this Court may direct the respondent to disburse the EPF and EDLI amount to the petitioners.

4. The learned counsel for the respondent submitted that based on the legal heir certificate, the amount will be disbursed in favour of the petitioners



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through their natural guardian mother within the reasonable time as fixed by this Court, if there is not rival claim.

5. In view of the above, the proceedings passed by the respondent is hereby set aside and accordingly, the writ petition is allowed. After receipt of the legal heir certificate and upon perusal of the same, the respondent is directed to disburse the benefits to the petitioners if there is no legal impediment, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is also closed.

02.08.2023

Rli

Index: Yes/No

NCS : Yes/No

To

The Regional P.F. Commissioner
Sub Regional Office, Ambattur
R-40A, TNHB Office Complex
Mogappair Road, Mugappair (East)
Ambattur, Chennai – 600037.



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M.DHANDAPANI, J.

Rli

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