



WP.No.23205 of 2023

In the High Court of Judicature at Madras

Dated : 08.8.2023

Coram :

The Honourable Mr.Justice M.DHANDAPANI

Writ Petition No.23205 of 2023
& WMP.No.22758 of 2023

K.Maheswari

...Petitioner

Vs

- 1.The Central Provident Fund
Commissioner (CPFC),
Bhavishya Nidhi Bhawan,
14, Bhikaiji Cama Place,
New Delhi-66.
- 2.The Additional Central Provident
Fund Commissioner, O/o the
Additional Central Provident
Fund Commissioner, No.37,
Royapettah High Road,
Opposite Swagat Hotel,
Chennai-14.
- 3.The Regional Provident Fund
Commissioner, Regional Office,
Salem Steel Plant Road,
Salem-636302.
- 4.S.M.I.S.Industrial Consultancy
Services Ltd., No.2-1-72

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TCM Colony, Kunjandiyur
Gonur Post, Mettur Dam,
Salem-636404.

5.Yesan Industrial Services Ltd.,
No.107/A2, Judge Road,
Ayyanthirumaligai,
Periyakollappathy,
Salem District-636008.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned letter bearing No.CB/SLM/PENSION/20201 dated 15.2.2021 issued by the third respondent, quash the same and direct the third respondent to include the service of 12 year and release the assurance benefit under the Employees Deposit Linked Scheme, 1976.

For Petitioner : Mr.A.Sathishkumar

For Respondents 1 to 3 : Mr.R.Vishnu, Standing Counsel

ORDER

This is a petition filed by the petitioner seeking to quash the letter dated 15.2.2021 issued by the third respondent and to direct the third respondent to include the 12 years' services of the petitioner and release the assurance benefit under the Statute.



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2. In view of the limited nature of the direction this Court proposes to issue, the writ petition itself is taken up for final disposal without ordering notice to respondents 4 and 5.

3. The facts leading to filing of this case are as follows :

(i) The petitioner is the wife of one Mr.G.Kasi, who died on 24.8.2020. He was working with the respective contractors of respondents 4 and 5 during the period from 01.2.2008 to 31.5.2020 and from 01.6.2020 to 24.8.2020 respectively. Both the contractors remitted their provident fund contributions through their respective PF Codes for both the said periods.

(ii) After the demise of her husband, the petitioner applied for terminal benefits as per the scheme framed under the Employees Provident Fund and Miscellaneous Provisions Act. The petitioner was advised by the contractor of the fifth respondent to transfer the provident fund accumulation from the PF Code of the contractor of the fourth respondent. Hence, the petitioner made a request to the third respondent to merge both the provident fund accumulations and pursuant to that, the petitioner got certain benefits. The third respondent also issued a pension payment order



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and granted a pensionable salary of Rs.10,527/- calculated based on the last five years' salary.

(iii) However, the third respondent released the assurance benefit amount of Rs.1,686/- based on two months' service rendered with the contractor of the fifth respondent without taking into account the previous 12 years and four months service rendered with the contractor of the fourth respondent. Therefore, the petitioner made a request to the third respondent to release the minimum assurance benefit of Rs.2.5 lakhs. However, by the impugned letter, the third respondent rejected the claim made by the petitioner. Expressing her grievance, though the petitioner sent a representation dated 13.8.2021 to the third respondent in this regard, nothing was forthcoming. Hence, the petitioner is before this Court.

4. Heard the learned counsel for the petitioner and the learned Standing Counsel accepting notice for respondents 1 to 3.

5. Though very many grounds have been raised, when this Court expressed its opinion that the remedy for the petitioner is to file an



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appropriate application as per the Employees Deposit Linked Insurance (EDLI) Scheme, the learned counsel for the petitioner restricted his prayer and sought permission of this Court to file appropriate application under the Employees Deposit Linked Insurance Scheme.

6. In view of the limited request sought for by the learned counsel for the petitioner, this Court directs the petitioner to file an appropriate application before the competent authority as mandated under the Employees Deposit Linked Insurance Scheme within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt of such application, the competent authority is directed to pass appropriate orders within a period of six (6) weeks thereafter.

7. With the above directions, this writ petition is disposed of. No costs.

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Index : Yes (or) No

Neutral Citation : Yes (or) No

Speaking Order : Yes (or) No

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Dispensed with for the present.

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