



W.P.(MD).No.23951 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.23951 of 2023

K.Balasubramanian

... Petitioner

Vs.

1.The Regional Provident Fund Commissioner,
Employees Provident Fund Organization Regional
Office,
Near Lady Doak College,
Narimedu, Madurai.

2.The Regional Provident Fund Commissioner,
Regional Office,
Nariman Point,
No.341, Bhavishya Nidhi Bhawan,
Bandra (E), Mumbai-400 051.

3.The Managing Director,
M/s.Utham Road Ways (P) Limited,
No.173, Kasi Sayed Street,
Mumbai-400 003.

4.The Manager,
M/s.Utham Road Ways (P) Limited,
No.32, 33, Nagupillai Thoppu,
Mahapatti Road,
Madurai-625 001.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation, dated 05.08.2023 to provide the necessary details of the petitioner's provident fund account number with employee and employer share of contribution along with establishment code number also to settle the petitioner's provident fund contribution for the year from 1976 to 1992 along with belated payment interest and consequently grant pensionary benefits for his 16 years of service.

For Petitioner : Mr.M.Pounraj

For R-1 & R-2 : Mr.S.Anwar Sameem

ORDER

The present writ petition has been filed seeking a Mandamus as against the respondents 1 and 2 to consider his representation, dated 05.08.2023 and pass orders.

2. According to the learned Counsel appearing for the petitioner, he was originally appointed as a Clerk in the third respondent Company in the year 1976. He had further submitted that the third and fourth respondents are covered under the EPF and MPAct and they were also allotted an establishment



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code number and account number to all the employees. The petitioner has further contended that recovery was effected from his salary with regard to the contribution. After having worked for more than 16 years, he was suddenly transferred to Mumbai on 17.11.1992 and he was relieved from service from the fourth respondent Office. However, due to extreneous circumstances, he could not join in the Mumbai Office.

3. The petitioner had challenged this order of transfer from Madurai to Mumbai before the Labour Court, Madurai in I.D.No.120 of 2002 and the said petition was allowed on 18.03.2009. The petitioner further contends that award of the Labour Court was challenged by the Management in W.P(MD)No.5464 of 2009 and the same was dismissed on 19.12.2016. According to the petitioner, the order of this Court has become final. Therefore, he is entitled to reinstatement from the date of transfer order, dated 17.11.1992. In order to implement the orders of the Labour Court, he filed C.P.No.92 of 2017 before the Labour Court, Madurai and he has also filed P.G.No.51 of 2018 claiming Gratuity.



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4. The petitioner has further contended that he is entitled to retirement benefits and monthly pension. However, the second respondent by his letter, dated 14.12.2022 has erroneously stated that his claim has been settled in May 1982 and by citing a wrong code number. In view of the above said facts, the petitioner has sent a fresh representation to the second respondent herein on 05.08.2023 through registered post. The said representation has to be considered by the second respondent herein.

5. Mr.S.Anwar Sameem, learned Counsel takes notice for the second respondent herein through the first respondent.

6. The learned Counsel appearing for the second respondent had made efforts to contact the second respondent. However, he is not in a position to get instructions from the second respondent herein. The learned Counsel appearing for the second respondent brings to the notice of the Court that as per the manual records maintained by the EPF Organisation, the petitioner's accounts have been settled in the year 1981 by the second respondent herein. However, he is not in a position to receive any written instructions from the second respondent.



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7. In view of the above said facts, the second respondent herein is directed to pass orders on the representation given by the petitioner on 05.08.2023, within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. With the above said observation, this writ petition stands disposed of.
There shall be no order as to costs.

17.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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R.VIJAYAKUMAR, J.

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