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W.P.No.1596 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2024

CORAM

THE HON'BLE MS. JUSTICE R.N.MANJULA

W.P.No.1596 of 2021

Mr.S.Veeraraghavan

... Petitioner

Vs.

1. The Regional Provident Fund Commissioner,
Office of the Regional Provident Fund Commissioner,
S.4, Tamil Nadu Housing Board Quarters,
Phase3, Sathuvacheri, Vellore – 632 009.
 2. The Management of Professional Couriers,
Arakonam Office, Represented by its Managing Director,
No.121/178, First Floor, Gandhi Road,
Palanipet, Arakonam-631 002.
 3. The Professional Couriers,
Head Office, Represented by its Managing Director,
No.17, Cathedral Garden Road, Gangaikaraipuram,
Nungambakkam, Chennai 600 034.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent, The Regional Provident Fund Commissioner, Vellore, to recover the provident fund contributions payable to the petitioner from the date of joining that is on 21.06.1995 to 31st December 2013 from the second and third respondents and further direct the respondents 1 to 3 to take action to pay pension to the petitioner from April 2017.



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For Petitioner : Mr.K.Sudalai Kannu
For R1 : Mr.P.K.Panneerselvam, SG
For R2 & R3 : Mr.Muberk Ahmed
for R.K.Ahmed Associates

ORDER

This Writ Petition has been filed to direct the first respondent to recover the provident fund contributions payable to the petitioner from 21.06.1995 to 31.12.2013 from the second and third respondents and further direct the respondents 1 to 3 to take action to pay pension to the petitioner from April 2017.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

3. The petitioner claims to be an employee of the second respondent / Professional Couriers, Arakonam Franchise, and he has given representation to the first respondent to recover P.F contributions payable to him from the date of joining ie., from 21.06.1995 to 31.12.2013. According to the respondents, the Courier service was brought under the purview of the Scheme from the year 2001. The



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Courier services are brought into the folder of scheme from the year 2001.

4. According to the second and third respondents, the franchisees, the petitioner was employed and recovery of P.F was started only in the year 2014 and hence the petitioner is entitled to deduction of employees contributions only from 01.01.2014.

5. Learned Standing Counsel appearing for the first respondent submitted that only if the petitioner could produce the documents relating his employment from the year 1995 or atleast from the year 2001, they can count the service and find out as to whether it would come under the ambit of the E.P.F & M.P Act, and only thereafter appropriate orders can be passed. However, it is to be noted that essential documents are in the custody of the employee/petitioner herein.

6. Hence, the first respondent shall hold enquiry with the



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employer as well as by demanding the document required to be produced and take a call on the said representation made by the petitioner and pass appropriate orders within a period of eight weeks from the date of receipt of copy of this order, by giving opportunity of hearing of both sides.

7. With the abovesaid direction, the Writ Petition is disposed of.

There shall be no order as to costs.

23.09.2024

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

The Regional Provident Fund Commissioner,
Office of the Regional Provident Fund Commissioner,
S.4, Tamil Nadu Housing Board Quarters,
Phase3, Sathuvacheri, Vellore – 632 009.



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R.N.MANJULA, J.

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