



W.P.No.7817 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.08.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.7817 of 2023 and
W.M.P.No.8046 of 2023

Mr.M.Hayath Basha

... Petitioner

Vs.

1.The Regional Provident Fund Commissioner,
Regional Provident Fund Office - Chennai,
Royapettah High Road,
Chennai 600 014.

2.The Management of M/s.Ashok Radiator Works,
No.10, Begum Sahib Street,
4th Lane, Mount Road,
Chennai - 600 002.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records in respect of the impugned order No.TN/MAS/102/Rejection/dated 21.04.2015 in respect of Form-10C and consequential rejection order dated 01.07.2021 in respect of Form-10D uploaded in the respondent's website passed by the first respondent and consequently, direct the first respondent to recover the provident Fund Contributions for the period from April 2011 to December 2014 from the second respondent in respect



W.P.No.7817 of 2023

of P.F.A/c No.TN/MAS/0048514/0000/000006 and pay the Employees' Pension to the petitioner with arrears from 01.01.2015 under the Employees' Pension Scheme 1995.

For Petitioner : Mr.D.Gopinathan

For Respondents : Mr.T.R.Sundaram for R1
No appearance for R2

ORDER

This Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus to call for the records in respect of the impugned order No.TN/MAS/102/Rejection/dated 21.04.2015 in respect of Form-10C and consequential rejection order dated 01.07.2021 in respect of Form-10D uploaded in the respondent's website passed by the first respondent and consequently, direct the first respondent to recover the provident Fund Contributions for the period from April 2011 to December 2014 from the second respondent in respect of P.F.A/c No.TN/MAS/0048514/0000/000006 and pay the Employees' Pension to the petitioner with arrears from 01.01.2015 under the Employees' Pension Scheme 1995.

2. Heard Mr.D.Gopinathan, learned counsel for the petitioner,



W.P.No.7817 of 2023

Mr.T.R.Sundaram, learned counsel for R1 and perused the materials available on record.

3. The learned counsel for the petitioner submitted that it is the duty of the first respondent to raise demands with the second respondent to pay the arrears of contribution, in case contributions have not been made. But, the first respondent had chosen to reject the claim of the petitioner.

4. It is right for the petitioner to expect the first respondent to initiate action against the second respondent to recover the pending dues in respect of employer contribution under the above scheme. Without resorting to such process, Form-10D of the petitioner is simply rejected.

5. In view of the above observations, this Writ Petition is disposed and the matter is remitted back to the first respondent to keep Form-10D of the petitioner pending until action has been initiated by the first respondent to recover the arrears of the contribution made by the second



W.P.No.7817 of 2023

respondent and thereafter, pass orders to settle the same. It will be appreciated if the proceedings are taken and completed by the first respondent as early as possible preferably within a period of six months from the date of receipt of a copy of this order. In case of any eligible amount that can be settled to the petitioner, the first respondent shall also consider the same and make settlement in this regard as well. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

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W.P.No.7817 of 2023

To
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R.N.MANJULA, J.

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W.P.No.7817 of 2023 and
W.M.P.No.8046 of 2023

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