



WEB COPY



W.P.No.12364 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.09.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.12364 of 2024

and

W.M.P.No. 13474 of 2024

J.Andal

... Petitioner

Vs.

1. The Regional Provident Fund Commissioner,
Employees Provident Fund Organization,
R-40 A, T.N.H.B, Office Complex,
Mogappair Road,
Mogappair (East),
Chennai – 600 037.

2. The Administrative Officer/Assistant Provident Fund,
Commissioner,
Employees Provident Fund Organisation,
R-40 A, T.N.H.B, Office Complex,
Mogappair Road,
Mogappair (East),
Chennai – 600 037.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records of the impugned proceedings of the second respondent in No.



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TN/AMB/101/REJECTION dated 17.11.2022 quash the same and consequently direct the respondents to release the Employees Provident Fund Pension to the petitioner under the Employee's Pension Scheme, 1995 from the date of death of the petitioner's husband dated 21.09.2022 with the interest of 12% within stipulated period fixed by this Court.

For Petitioner : Mr. N.Saravanan

For Respondents : Mr. Arun Dhanapalan,
Standing Counsel

ORDER

The petitioner has filed this writ petition challenging the order of the second respondent dated 17.11.2022.

2. Heard Mr. N.Saravanan, learned counsel for the petitioner and Mr. Arun Dhanapalan, learned Standing Counsel for the respondents and perused the materials available on record.

3. The petitioner claims herself to be the wife of the deceased employee, viz., Jesurajan, and made a claim for getting pensionary benefits under the Employee Provident Fund Scheme subsequent to the



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death of the said Jesurajan. But the respondent has chosen to reject the petitioner's claim, stating that her name is different in the birth certificates of her sons. The petitioner produced the birth certificates of her sons as material to show that she is the wife of the deceased employee, Jesurajan.

4. The learned counsel for the petitioner submitted that the petitioner is otherwise also known as J. Joysrani, as she has converted to Christianity and changed her name to J. Joysrani on 19.02.2003. In this regard, a Gazette notification has also been given, which is published on 23.03.2022, in entry No. 732.

5. It is claimed by the petitioner that the respondent, without considering the above gazette notification, has chosen to find fault with the change of name and denied the disbursal of the pension to the petitioner in her alleged capacity as the wife of the deceased, Jesurajan.

6. Since the impugned order dated 17.11.2022 seems to have been



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passed without taking into consideration of the Gazette notification regarding the conversion of the petitioner's name, it is appropriate to set aside the order and remand it back to the file of the respondents to re-appreciate it in the light of the Gazette notification given by the petitioner regarding her change of name, and then pass appropriate orders.

7. In view of the same, this Writ Petition is disposed of, and the impugned order is set aside. The respondents are directed to reconsider the claim of the petitioner, taking into account the Gazette notification dated 23.03.2022, in entry No. 732, and pass orders afresh within a period of four weeks from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed. No costs.

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