



WEB COPY



W.P. No. 12530 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

CORAM

THE HON'BLE DR. JUSTICE D. NAGARJUN

W.P. No. 12530 of 2024

S.Karthikeyan

... Petitioner

-VS-

1. Sundaram Clayton Employees Provident Fund,
Rep. by its Financial Officer,
Corporate Office, Jayalakshmi Estate,
No. 29, Haddows Road,
Chennai – 600 006.

2. Sundaram Clayton Limited,
Rep. by its General Manager,
Belagondapalli, Thally Road, Hosur,
Krishnagiri District – 635 114.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the 1st respondent to disburse either the provident fund advance or the entire provident fund to the credit of the petitioner's account without prejudice to the petitioner's rights in I.A. No. 1 of 2023 in I.D. No. 11 of 2023 on the file the Labour Court, Hosur seeking interim relief and final relief against the dismissal, within a time frame fixed by this Court.

For Petitioner : Mr. S.Gokul

For Respondents : Mr. Anand Gopalan



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for M/s. Agam Legal Advocates

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ORDER

Heard the learned counsel for the petitioner as well as the respondents.

Perused the records.

2. The Writ Petition has been filed for directing the respondent no. 1 to disburse either the provident fund advance or the entire provident fund to the credit of the petitioner's account without prejudice to the petitioner's rights in I.A. No. 1 of 2023 in I.D. No. 11 of 2023 on the file the Labour Court, Hosur seeking interim relief and final relief against the dismissal, within a time frame fixed by this Court.

3. It is submitted by the learned counsel for the petitioner that the petitioner, who was working in the service of the respondent no. 2 management, was removed from service. He has raised industrial disputed in I.D. No. 11 of 2023 before the Labour Court, Hosur, which is still pending. During the pendency of the same, the petitioner has requested the respondent no. 2 management to pay the provident fund dues to be paid to him and since they were not paid, the petitioner has approached this Court.



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4. It is submitted by learned counsel for the respondents that as per the procedure, the petitioner is entitled either to claim the entire provident fund amount or he can borrow loan out of the provident fund accumulations. However, the petitioner seeking part final withdrawal for which the respondent no. 2 was not agreeable as there is no procedure. It is also submitted by learned counsel for the respondents that the respondent no. 2 management has no objection for payment of the entire provident fund accumulations available in the name of the petitioner.

5. The learned counsel for the petitioner, while accepting the same, submitted that if the respondent no. 2 is prepared to pay the entire provident fund accumulations, the petitioner has no objection to close his provident fund account. The said submission made by the petitioner is agreeing to receive. The learned counsel for the petitioner also submitted that the petitioner is receiving the entire provident fund accumulations without prejudice to his rights in I.D. No. 11 of 2023 and I.A. No. 1 of 2023 before the Labour Court, Hosur,

6. The learned counsel for the respondents has also raised an issue that the Writ Petition is not maintainable as Writ Petition is failed against the private person. Since the matter is being disposed of now. the said issue is not



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answered.

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7. In view of the discussion made above, the Writ Petition is disposed of with a direction to the to the respondent no. 2 to disburse the provident fund accumulations to the petitioner within a period of two (2) weeks from date of receipt of a copy of this order. No costs.

24.06.2024

Index: Yes/No

NCC: Yes/No

vjt

To

The Financial Officer,
Sundaram Clayton Employees Provident Fund,
Corporate Office, Jayalakshmi Estate,
No. 29, Haddows Road,
Chennai – 600 006.



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Dr. D. NAGARJUN, J.

vjt

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