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W.P.No.35308 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.01.2024

CORAM:

THE HONOURABLE JUSTICE Dr. JUSTICE D. NAGARJUN

Writ Petition.No.35308 of 2016

K.Parthasarathy

... Petitioner

Vs.

1. The Chairman cum Managing Director,
Tamil Nadu Civil Supply Corporation Ltd. H.O
Thambusamy Street,
Kilpauk, Chennai- 600 010.
2. The Manager,
Tamil Nadu Civil Supply Corporation Ltd. H.O
Provident Fund I/C,
Thambusamy Street,
Kilpauk, Chennai-600 010.
3. The Regional Manager (South),
Tamil Nadu Civil Supply Corporation Ltd.,
Gopalapuram, Chennai- 600 086.
4. The Regional Provident Fund Commissioner,
Office of the Employees Provident Fund,
Royapettah, Chennai- 600 014.

Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Mandamus, directing the first respondent to first respondent to pay the interest for the period from 22.07.1986 to till date as provided under the E.P.F Scheme framed under the E.P.F and M.P Act 1952 and consider the grievances of the rightful claim of the petitioner.



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For Petitioner : Mr.C.Prabakaran

For Respondents : M/s.C.Selvaraj for R1,R2 & R3
Standing Counsel

ORDER

This Writ Petition is filed seeking for the direction to the first respondent to pay the interest for the period from 22.07.1986 to till date as provided under the E.P.F Scheme framed under the E.P.F and M.P.Act 1952 and consider the grievances of petitioner.

2. The facts in brief as per the affidavit enclosed this Writ Petition are that the petitioner joined as Bill Clerk in Taminadu Civil Supply Corporation Ltd., Gopalapuram, and he worked from 23.11.1974 to 22.07.1986 and left the service on 22.07.1986 and received intimation letter of his dismissal on 03.04.2012. The petitioner joined as EPF member from November 1974 and he was allotted with A/c No.TN/8427/001446 and provident fund contributions were regularly deducted from the petitioner's salary from November 1974 to July 1986.

3. The petitioner, has received a letter from Head Office of Tamilnadu



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Civil Supply Corporation Ltd, Kilpauk, Chennai with Cheque bearing

No.837483 dated 17.09.2012, Canara Bank amounting to sum of Rs.34,459/-

(Thirty Four Thousand Four Hundred Fifty Nine only) as final settlement, but the Tamil Nadu Civil Supply Corporation Ltd, has failed to pay the interest amount as per the provisions laid down under Paragraph 60 of EPF Scheme framed under EPF Act and the MP Act 1952. Therefore, the petitioner has submitted representations on 09.10.2012, 10.04.2013, 02.05.2014, 02.06.2014, 18.08.2014 and also 07.10.2014, but there was no reply. Hence, the petitioner has filed this Writ Petition seeking for suitable directions.

3. Learned counsel for the petitioner has submitted that as per the EPF & MP Act 1952 and EPF Scheme framed therein, the repayment of EPF Contribution and accrued interest falls due immediately on submitting claim application. While settling the EPF account of a member, the interest at the prescribed rate, declared by the central government from time to time, shall also be credited into EPF account upto the date of final settlement. But such interest has not yet been credited to petitioner's EPF account which amounts to Rs.3,96,415. Hence, the learned counsel seeks for suitable relief.



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4. Learned counsel for the third respondent has filed additional counter affidavit and contended that the petitioner himself is equally responsible for the belated settlement of provisional fund. It is further submitted that after the receipt of sum of Rs.34,459/-, the petitioner has filed W.P.No.35308 of 2016 and the same was dismissed for non prosecution, subsequently, the said Writ Petition was on restored 30.06.2023. According to learned counsel for the respondent, the amount payable to the petitioner including the contribution along with interest are worked out as under:

	Rs.	P.
Employee's Subscription with interest	:	40,209.00
Employer's Contribution with interest	:	78,203.00

Total	:	1,18,412.00
LESS: Amount paid to the petitioner on 27.09.2012		34,459.00

Total (Balance to be paid)		83,953.00

5. Heard both sides and perused the records.

6. During the course of submissions, the learned counsel for the third respondent has agreed to settle Rs.83,953.00/- to the petitioner for which



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learned counsel for the petitioner has and the same is recorded.

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7. In view of the settlement arrived at between the petitioner and the third respondent, this Writ Petition is disposed of directing the third respondent to pay a sum of Rs.83,953.00/- along with interest at the rate of 8% per annum from 22.07.1986 to till the date of payment to the petitioner's EPF Account, within a period of six weeks from the date of receipt of copy of this order. No costs.

10.01.2024

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Index: Yes/No

Speaking Order: Yes/No



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Dr.D. NAGARJUN, J.

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To

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