



WEB COPY

W.P.No.24274 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.24274 of 2024

Panjanathan

...

Petitioner

versus

1.The Regional PF Commissioner,
No.37, Royapettah High Road,
Royapettah, Chennai - 600 014.

2.Raj Petro Specialities Pvt Ltd.,
5/97, Andarkuppam Red Hills Road,
Sallima Nagar, Andarkuppam,
Manali New Town, Manali,
Chennai - 600 103.

3.P.Jagadeesh,
S/o.Parthasarathi,
Raj Petro Specialities Pvt Ltd.,
5/97, Andarkuppam Red Hills Road,
Sallima Nagar, Andarkuppam,
Manali New Town, Manali,
Chennai - 600 103.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to pay the PF contribution paid by the petitioner's son Vinod Kumar, who had been working under the 3rd respondent contractor of the 2nd respondent.



For Petitioner : M/s.P.C.Geethammal

For Respondent No.1 : Mr.R.Vishna

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ORDER

The Writ Petition has been filed seeking a writ of mandamus, to direct the first respondent to pay the provident fund contribution paid by the petitioner's son Vinod Kumar, who had been working under the third respondent contractor of the second respondent.

2. Heard M/s.P.C.Geethammal, learned counsel for the petitioner and Mr.R.Vishna, learned counsel for the first respondent and perused the materials available on record.

3. The petitioner's son, namely Vinod Kumar was working under the third respondent, who was the contractor of the second respondent, had died on 17.07.2023. The petitioner, who is the father and legal heir of the deceased Vinod Kumar, has given representation to the first respondent to disburse the provident fund contribution paid by his son to the P.F.A/c.No.UAN 101752739690 and the same has not been considered so far.



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4. Mr.R.Vishna, learned counsel for the first respondent submitted that the said Vinod Kumar is a married son of the petitioner, but without the knowledge and consent of the wife of the deceased, the petitioner seems to have approached the first respondent.

5. M/s.P.C.Geethammal, learned counsel for the petitioner submitted that the wife of the deceased had left him even during his lifetime.

6. However, the petitioner is obliged to produce the relevant documents to show whether the marriage between the petitioner's son Vinod Kumar and his wife got dissolved and that on the date of his death his wife was no more legal heir of the deceased. Without establishing the said fact, the petitioner alone cannot claim the provident fund amount accumulated in the account of the deceased Vinod Kumar.

7. It is learnt that the deceased Vinod Kumar has also got a child. Since Vinod Kumar died after his marriage by leaving his wife and child, the wife and child alone can be the lawful legal heirs of the deceased Vinod Kumar. Despite the same, they have not been impleaded as parties. Hence,



I do not find any merit in the matter in order to grant the relief sought by the petitioner.

8. In the result, this Writ Petition is dismissed. No costs.

27.08.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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R.N.MANJULA, J.

sri

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