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W.P.No.32869 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.32869 of 2024

Jayamala

... Petitioner

Vs.

Employee's Provident Fund Commissioner
Employee Provident Fund Organization
No.37, Royapettah High Road
Chennai.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to issue PF and other pension benefits of late petitioner's brother by considering the petitioner's representation dated 12.09.2024.

For Petitioner

: Mr.K.Praveen Raj

For Respondent

: Mr.K.Venkatesan
Standing Counsel (EPFO)



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ORDER

This Writ Petition is filed for a Writ of Mandamus, directing the respondent to issue PF and other pension benefits with reference to the death of the petitioner's brother namely R.Karthikeyan.

2. It is the case of the petitioner that the said R.Karthikeyan was an employee with M/s. Cognizant Technology Solutions Pvt Ltd., vide employee I.D.No.433756. During the course of employment, Provident Fund was deducted with the said employee ID number. While so, the said R.Karthikeyan died due to Covid-19 on 06.06.2020. On the date of his death he was survived by other family members, namely Vittabai his mother Ramakrishnan his father, Anbu his brother and Jayamala his sister. Unfortunately, subsequent to the death of the said R.Karthikeyan, father Ramakrishnan, mother Vittabai and brother Anbu are also passed away. Now the petitioner Jayamala is the sole legal heir surviving as on today. Therefore, she had made a representation to the respondent to disburse the available amount that is due on the death of R.Karthikeyan and also to sanction any



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other benefit including pension if she is eligible as per the scheme and the rules.

3. Considering the fact that the petitioner is not a Class-I legal heir and she has also not obtained any succession certificate from the Court of Law, it is submitted by the learned counsel appearing on behalf of the respondent organization that in such case, amount cannot be disbursed and the other benefits cannot be sanctioned except such categorical orders are produced. The certificates which are produced are the death certificates, heirship certificate, etc. A clear cut documentation is not produced and in any event the respondent organization is not competent to go into the issue and find out who is the appropriate legal heir and surviving especially when it comes to the Class-II legal heirs. Therefore, in the absence of the petitioner furnishing succession certificate from competent Court of law, the amount could not be sanctioned.

4. I have considered the submissions made on either side and perused the material records of the case.



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5. It is true that when it comes to Class-II legal heirs, it would be appropriate if only the parties furnish succession certificate upon which it will be straightforward and simple for the respondent organization to disburse the amount. But however, I have considered the facts of the present case. It can be seen that there is no other rival claimant and also when the employee died, he is said to be unmarried. Therefore, the mother is the only Class-1 heir who survived and the mother Vittabai has subsequently died on 21.06.2020. Therefore, she has left behind only her husband and two children and all of them have also subsequently died and the petitioner is said to be the sole surviving legal heir.

6. In view thereof, the Court also considered the repeated deaths the petitioner has faced in her family and therefore, considering the peculiar facts and circumstances of the case, I am of the view that to drive her to again file a succession certificate petition before the appropriate Court of law would be a little harsh and unfair, especially when the facts are clear before this Court. In any event, the petitioner can be directed to file an affidavit



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before the respondent that she is the sole surviving legal heir of the said R.Karthikeyan and in any event and if there is any future claim by any person, she will redeposit the entire benefits which is paid to her.

7. In view of the above findings, this Writ Petition is allowed on the following terms;

1) The petitioner shall file an affidavit before the respondent categorically stating that she is the sole surviving legal heir of the said R.Karthikeyan and that there are no other persons who are the Class-II or Class-I legal heirs who are alive and subsisting;

2) That further in case if there is any rival claim, she will indemnify the respondent organization for any loss or any claim and that she will also redeposit the entire sum which is paid out to her;

3) Upon filing of such affidavit, the respondent firstly shall consider the amount of arrears which is payable to the said R.Karthikeyan upon his death and shall pay about the same to the petitioner herein;



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4) The case of the petitioner shall also be considered for any other benefits including pension and if she is entitled to ask for the same under rules, the same can also be sanctioned to her in accordance with law.

No costs.

20.12.2024

Neutral Citation : No
dna

To

Employee's Provident Fund Commissioner
Employee Provident Fund Organization
No.37, Royapettah High Road
Chennai.



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D.BHARATHA CHAKRAVARTHY, J.
dna

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