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W.P.No.33863 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2024

CORAM

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.33863 of 2024
and
W.M.P. No.36678 of 2024

Divya Ganesan

.. Petitioner

Vs

1. Employees Provident Fund Organisation
(Ministry of Labour & Employment)
rep. By its Chairman,
Plate A, Ground Floor, Office Block II,
East Kidwal Nagar,
New Delhi – 110 023.
2. Employees Provident Fund Organisation
rep. By its Commissioner,
No.37, Royapettah High Road,
Opposite Swagath Hotel, Chennai.
3. Employees Provident Fund Organisation
rep. By its Commissioner,
Bhavkshya Nidhi Bhawan,
Charkop Market Kandivali,
Mumbai – 400 067.
4. M/s.BYJU's Think and Learn Private Limited
rep. By its Authorised Signatory,
Prince Kushal Towers, 4th Floor,
No.96, Anna Salai, Chennai – 2.



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5.M/s.Randstad India Private Limited
rep. By its Authorised Signatory,
Randstad House,
Old No.5 and 5A, New No.9,
Pycrofts Garden Road,
Nungambakkam, Chennai – 6.

6.M/s.RS HR Team Solutions Private Limited
rep. By its Authorised Signatory,
Solitaire Corporate Park,
752, 5th Floor, Building No.07,
Chakala, Andheri East,
Mumbai – 400 093.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing respondents 1 to 3 to rectify the error committed in the petitioner Provident Fund records including under the petitioner's UAN No.101788036232 by deleting of the name and all related details of the sixth respondent as the petitioner's employer.

For Petitioner .. Ms.M.Vidya

For Respondents .. Mr.K.Venkatesh
for R1 to R3



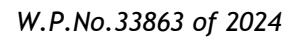
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ORDER

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The writ petition is filed for a mandamus to direct the respondents 1 to 3 to rectify the error committed in the provident fund records under the petitioner's UAN No.101788036232 by deleting of the name and all related details of the sixth respondent as the petitioner's previous employer.

2. The case of the petitioner is that through the fifth respondent which is a recruiting agency viz., M/s.Randstad India Private Limited, she was inducted as a Business Development Executive in the office of the fourth respondent on a monthly salary of Rs.23,000/- with effect from 01.02.2022. The appointment order dated 26.01.2022 was issued by the fifth respondent. Through the fifth respondent, the petitioner was allotted the Universal Account No.101788036232 with the third respondent viz., Mumbai office of the Employees Provident Fund Organisation. The employment ended on 03.06.2022. Thereafter, the petitioner was offered the post of Executive with M/s.HCL Technologies Limited at Chennai vide appointment letter dated 26.09.2022. However, when the background check was made by the

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two years, she is trying to rectify the same. The error is not rectified and finally a legal notice was also issued to respondents 1 to 3 and the present writ petition is filed.

4. Learned counsel appearing for the petitioner would submit that it is an innocuous error which has crept in and for that, the petitioner already suffered enough and she is left to be suffering even after repeated representations and reminders made by her.

5. Per contra, the learned counsel appearing on behalf of respondents 1 to 3/EPF Organisation would submit that firstly this error is committed only by the employer and the EPF Organisation has got nothing to do with the same. It is the same employer who should again enter through the concerned portal and correct the error. Instead of taking up the issue with the employer, the petitioner has been running from pillar to post by approaching the wrong authorities. Even the consequential action of approving the corrections should be made only at the Bombay office and for all practical purposes, this writ petition should also be filed where the cause of action arose that is at the Bombay High Court. Therefore, only because error was made by way of an entry by the concerned employer and even the entry was



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relating to the Mumbai office, nothing further can be done with reference to the correction and the petitioner has to only follow up with her employer to see to it that the correction is made, the same could be immediately carried out and all the help can be granted to the petitioner. The Provident Fund authorities cannot unilaterally alter the data which is entered into only by the employer. They do not have access to the domain or means to correct the said entry.

6. In reply thereof, learned counsel for the petitioner would submit that as matter of fact, the employer is also replying that they do not have the access to now carry out the corrections. That is how the petitioner is now in the limbo.

7. Considering the limited nature of relief, notice is not issued to the private parties viz., respondents 4 to 6 in the writ petition and the matter was adjourned only for the learned standing counsel for respondents 1 to 3 to get instructions and in view of the nature of the relief being granted, the writ petition is taken up in the Adjourned Admission stage without notice to other respondents.

8. It is not the case of the parties that there is any fraud which is



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played in the instant case. There is an erroneous entry with reference to Row No.2 in the above referred tabular column. Prima facie, this Court does not find any reason to suspect anything except a clerical error. The very existence of the EPF Organisation is only for the welfare of the employees. Whenever an employee is in difficulty, it is the duty of all concerned to walk an extra mile to redress his/her grievance.

9. It is the contention of learned counsel appearing on behalf of the authorities that it does not have access or wherewithal to correct the same. It is the reply of the learned counsel for the petitioner that the appropriate management is also saying that at present the system denies access to them to correct the error. These kind of mistakes, can happen whenever the office automation is done and the entire process is carried out on an automated basis where the operation of the entire Provident Fund Scheme is now computerised. Therefore, the submissions made by the learned counsel appearing on behalf of respondents 1 to 3 appears to be genuine. But at the same time, the petitioner being an employee, cannot be made to suffer, merely because there is an absence of super access to the employer in the



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system by the software which they developed. In any event, this Court in exercise of powers under Article 226 of the Constitution of India can direct the respondents 1 to 3 to correct the error. In compliance of the direction of the Court, it is always open to respondents 1 to 3 to correct the error by removing entry in Row No.2. In view thereof, the writ petition is disposed of on the following terms:

9.1 Respondents 1 to 3 are directed to ensure that Row No.2 is removed from the entries with reference to the petitioner within a period of six weeks from the date of web uploaded copy of the order without waiting for the certified copy;

9.2 The error can be rectified in any possible manner by respondents 1 to 3 and for the rectification of the error, they can also instruct the appropriate management to carry out the correction and also by instructing them the steps they should do to gain access and correct the entry. The method of doing the same is fully within the remit of respondents 1 to 3 but the net result is that within a period of six weeks from the date of web uploaded copy



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of the order, it must be seen to that the said entry should disappear from the portal and the petitioner's employment record stand corrected.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

12.12.2024

Index:Yes
Neutral Citation:Yes
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To

- 1.The Chairman,
Employees Provident Fund Organisation
(Ministry of Labour & Employment),
Plate A, Ground Floor, Office Block II,
East Kidwal Nagar,
New Delhi – 110 023.
- 2.The Commissioner,
Employees Provident Fund Organisation,
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