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WP.No.3238 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2024

**CORAM:
THE HONOURABLE MS.JUSTICE R.N.MANJULA**

**W.P.No.3238 of 2024
and
WMP.No.3508 of 2024**

1.Benhur Luke Pereira

2.Tirzah Ann Pereira (Minor aged about 16 years)

Represented by her Elder Brother-

Benhur Luke Pereira

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Petitioners

versus

1. Employees' Provident Fund Organisation,

Represented by its Additional Central

P.F. Commissioner,

Bhavishya Nidhi Bhawan,

8th Floor, 28, Community Centre,

Wazirpur Industrial area,

New Delhi-110052.

2. Employees' Provident Fund Regional Office,

Represented by its Additional Central P.F.

Commissioner, 37, Royapettah High Road,

Opposite Hotel Swagath,

Azad Nagar, Royapettah,

Chennai-600014.

3.City Union Bank Ltd,

Represented by its Branch Manager,

Having Office at No.19,

Mahalakshmi Street,

T- Nagar, Chennai - 600 017

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Respondents 1 to 3



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, seeking direction against the 1st and 2nd respondent to disburse the provident fund amount lying in account of the petitioner's father with UAN-100840222451 to the 1st and 2nd petitioners.

For Petitioners : M/s Jayashree Narayanan for
Swaminathan Law Associates.

For Respondents : Mr.K.Venkatesan,
Standing Counsel for RR1 & 2

: Mr.A.Karthikeyan for R3

ORDER

The petitioners, who are the children of an employee by name Troy Patrick Pereira (deceased), have filed this Writ petition seeking direction against the 1st and 2nd respondents to disburse the provident fund lying in the account of the petitioner's father in his EPF account No.UAN-100840222451.

2. Heard M/s Jayashree Narayanan, learned counsel for the petitioners and Mr.K.Venkatesan, learned standing counsel for the first and second respondents and Mr.A.Karthikeyan, learned counsel for the thrid respondent and perused the materials available on record.



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3. The petitioner's father, Troy Patrick Pereira, died on 24.02.2019 and unfortunately the wife of the employee and the mother of the petitioners also died subsequently on 09.07.2022. So, the petitioners, who are the children of the employee, are the only legal heirs who are entitled to inherit whatever amount lies in the provident fund account of their father. The petitioners have further claimed that the petitioners' father has invested a sum of Rs.22,000/- in the mutual fund investment of the 3rd respondent's bank. Hence, the petitioner has also sought a prayer against the 3rd respondent to release the matured sum in the mutual fund account.

4. It appears from the statement of accounts submitted by the petitioner, in respect of the mutual fund investment that as on 17.02.2021, the value of the units purchased through the mutual fund scheme is Rs.27,197.78. However, Mr.A.Karthikeyan, learned counsel for the 3rd respondent bank (appearing through a video conference) submitted that so far as the mutual fund account is concerned, it is the responsibility of the intermediary, AUM Capital Market Pvt. Ltd., who has to take a call.



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5. Whatever may be the technical difficulties and legal nuance involved in this case, the matter remains that the petitioners are the children who have lost both their parents, and they are struggling to get their father's investment just lying in both the mutual and the provident fund accounts.

6. Since the respondents 1 and 2 did not dispute seriously on the point that the petitioners are the only legal heirs of the deceased father, the 1st and 2nd respondents can consider the claim of the petitioners by verifying the records, and after satisfying the entitlement of the petitioners and pass orders for disbursement of provident fund amount lying in the petitioner's father, Troy Patrick Pereira's EPF account No. UAN-100840222451. So far as the relief claimed as against the 3rd respondent, the petitioners can only be informed that their remedy lies elsewhere, and they have to approach the intermediary from whom the petitioners' father purchased the mutual fund units.

7. With these observations and directions, this writ petition is **disposed of**. The petitioners are at liberty to submit a fresh representation to the respondents 1 and 2 within a period of two weeks from the date of receipt of the copy of this order and on receipt of the same, the respondents 1 & 2 shall consider and pass orders within a period of four weeks thereafter. There shall be



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no order as to costs. Consequently, the connected miscellaneous petition is

closed.

04.09.2024

jrs

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No



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To

1. Additional Central
P.F. Commissioner,
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2. Additional Central P.F.
Commissioner,
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