



W.P.No.33950 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM:

THE HON'BLE Dr. JUSTICE D.NAGARJUN

W.P.No.33950 of 2023

Santhalakshmi
...Petitioner

versus

1. The Zonal Provident Fund Commissioner,
Employees PF Organisation,
No.37, Royapettai High Road,
Opp. Hotel Swagath,
Aasath Nagar,
Royapettai,
Chennai-600 014.
2. The Regional Provident Fund Commissioner,
Employees PF Organisation,
Regional Officer, Ambattur,
No.104, TNHB Complex,
Mogappair East,
Chennai-600 0037.
3. The Authorised Officer,
M/s.Ayyappa Leather Company,
Office at No.65,
Nelson Manickam Road,
Aminjikarai,
Chennai-600 029.

... Respondents



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Prayer: This Writ petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 1 & 2 respondents to enter the name of petitioner as “Santhalakshmi” instead of “Shanthi” in Employee Provident Fund Account No.TN/AMB/26991/2503 (UAN No.100324860194) and to disburse the petitioner's savings amount lying with them, based on the petitioner's representation dated 06.07.2023 within a stipulated time.

For Petitioner : M/s.C.Prabakaran

For Respondents : Mr.R.Hemalatha
Senior Standing Counsel for R1 &
R2

ORDER

This Writ Petition is filed seeking for a direction by way of Mandamus to the first and second respondents to enter the name of the petitioner as Santhalakshmi instead of Shanthi in Employee Provident Fund Account No. TN/AMB/26991/2503 (UAN No.100324860194) and to disburse the petitioner's saving amount lying with them basing on the representation of the petitioner dated 06.07.2023.



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2. It is submitted by the learned counsel for the petitioner that actual name of the petitioner is Santhalakshmi however she was being called as Shanthi. Her name is mentioned as Santhalakshmi in Aadhar card bearing No.4218 8408 5305 and in passport bearing No.V5559818. But in Family card her name is mentioned as Shanthi. In her appointment order with “Ayyappa Leather Company” her name was mentioned as Shanthi. Accordingly, E-Pehchan card issued by the Employee State Insurance Corporation in police No.TN/AMB/26991/2503 registered on 15.11.2012 and UAN 100324860194 her name is mentioned as S.Shanthi, thereby difficulty arose in disbursement of benefits to the petitioner, thereby she sought the relief of considering the name of the petitioner as Santhalakshmi instead of Shanthi.

3. Learned counsel appearing for the first and second respondents has filed counter affidavit and the relevant portion is extracted hereunder:

“[a] The details available in the member ledger in respect of the PF Account No.TN/AMB/26991/2503 are as follows:



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Member name: S.SHANTHI

Spouse name: SIVALINGAM

Date of Birth: 05.02.1967

Date of joining:01.10.2012

Contribution : Received till 11/2023.

[b] The Joint Declaration Form requesting for modification of member profile details (Major corrections- Name/DOB/Father Name) had been submitted by the petitioner in 06/2022. The Joint Declaration Form signed by the employee and the employer along with the necessary supportive documents is necessary for making corrections. The Joint Declaration Form and the enclosures submitted by the petitioner requesting for modification of member profile details in respect of the Account No.TN/AMB/26991/2503 was scrutinized by this office in accordance with the instructions laid out in the EPFO circular dt 12.02.2021. Since the documents enclosed does not fulfil the prescribed requirements for making Major corrections in profile details, the Joint Declaration Form and the enclosures was returned vide letter dated 24.06.2022 seeking



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clarification and requesting to submit the necessary supportive documents.

[c] In reply, the petitioner, instead of resubmitting the Joint Declaration Form along with the Clarification letter from Employer and other documents sought, had submitted a letter dated 06.07.2023 to the 2nd respondent without any supportive documents/ evidence for the name correction. In this regard, it is informed that the 2nd Respondent had not refused to consider the request submitted by the 2nd respondent had not refused to consider the request submitted by the petitioner for modifications in profile, whereas only directed the petitioner to produce the necessary documentary evidence in support of the request for name change from S.SHANTHI to SANTHALAKSHMI for processing the request as per the procedure laid out. Further, the documentary evidence for obtaining the AADHAR in the name of Santhalakshmi has also not been submitted to the 2nd respondent.”



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4. On going through the above para of the counter affidavit and hearing the submissions of the learned counsel for the respondents it is clear that the petitioner has submitted representations for correction of the names and profile of the petitioner in the records of the first and second respondent. However, the said representation was returned with a letter dated 24.06.2022 seeking certain clarification and according to first and second respondents, the said clarification has not been given so far.

5. It is submitted by the learned counsel for the petitioner that the petitioner has not received any letter seeking clarification which is alleged to have been sent by the first and second respondent. It is submitted by the first and second respondent that in case if any clarification is received along with required documents the representation of the petitioner for correction of the profile will be attended to as quickly as possible.

6. Considering the submissions made by both sides and on perusal of records, this Writ Petition is disposed of directing the first and second respondent to furnish the copy of the clarificatory letter dated 24.06.2022 within a week from the date of receipt of copy of this order



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and on receipt the same, within one week the petitioner is permitted to submit the reply to the said letter along with required document. Within four weeks thereafter, the first and second respondent are directed to dispose the representation of the petitioner in respect of change of profile of the petitioner in office records of the first and second respondents on merits. No costs.

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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