



W.P(MD).No.6920 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 07.06.2024
Pronounced on : 02.08.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P(MD)No.6920 of 2024

P.Murugesan

... Petitioner

Vs.

1. Regional Provident Fund Commissioner,
(Delhi West),
EPFO Complex, Sector - 23,
Dwarka, New Delhi - 110 077.

2. The Regional Provident Fund Commissioner,
Narimedu, Madurai - 625 002.

3. Board of Trustee,
Represented by its Chairman,
AADF Provident Fund Trust,
C/o. National Horticultural Research
and Development Foundation,
47, Institutional Area, Janakpuri,
New Delhi-110048

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the 3rd respondent letter No.NHRDF/AADFPPF-



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TRUST/PM/2023-24/3656, dated 14.11.2023 and quash it as illegal and consequently direct the 3rd respondent to pay the accrued interest to the Provident Fund bearing Account No.DL/CPM/6491/98 from 31.03.2014 to till date of payment.

For Petitioner : Mr.P.Murugesan (Party in person)

For Respondents : Mr.G.Karthick

Standing Counsel for R1 & R2

: Mr.V.O.S.Kalaiselvam

for R3

ORDER

Heard Mr.P.Murugesan (Party in person), Mr.G.Karthick, learned Standing Counsel for the respondents 1&2 and Mr.V.O.S.Kalaiselvam, learned counsel appearing for the 3rd respondent.

2. The petitioner has filed this writ petition to quash the letter dated 14.11.2023 in Letter No.NHRDF/AADFPPF-TRUST/PM/2023-24/3656 and to direct the 3rd respondent to pay the accrued interest to his Provident Fund Account No.DL/CPM/6491/98 from 31.03.2014 to 12.01.2023.



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3. The petitioner who appeared as party in person was an ex-employee of the National Horticultural Research and Development Foundation and he was terminated from service on 21.07.2010. The termination order has been issued by the subordinate authority to Appointing authority in violation of Section 33(2)(b) of the Industrial Disputes Act, 1947 when the Industrial Dispute petition is pending. Even though the said litigation was pending, there is no bar to pay the EPF amount to the members and close their accounts.

4. The petitioner sent an application under the RTI Act to the first respondent for claiming interest for the year 2018 and as per the information, the third respondent has credited the interest on his GPF account for the annual year 2014-2015 and 2017-2018. In the impugned order dated 14.11.2023, it is stated that three years interest have been worked out on the Provident Fund account of the petitioner and subsequent to his termination the balance amount of Rs.2,61,030/- as full and final settlement along with the interest upto 2013-2014 has been paid



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to him on 11.01.2023 through HDFC Bank, New Delhi Cheque No. 000424 dated 11.10.2023.

5. In fact the above payment has been made pursuant to the order of the High Court dated 29.09.2022 made in W.P.(MD)No.8627 of 2014. The order further stated that as per Section 72(6) of the Employees Provident Fund Scheme, 1952, if the PF amount is not claimed or no application for withdrawal under paragraph 69 or 70 or transfer, as the case may be has been preferred within a period of 36 months from the date it becomes payable, the said PF amount shall be transferred to the account to be called inoperative account. In the case of a claim for the payment of the said balance, the amount shall be paid by debiting into the inoperative account. So, it is stated that once the account has become inoperative, no interest can be accrued. However, the petitioner bases his claim in pursuant to the reply given to him on 07.12.2018 for an information sought by him under the RTI Act. In the said information dated 07.12.2018, the petitioner wanted the copy of the annual statement of accounts from the year 2013-2014 to 2017-2018. The respondent



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office has given a reply stating that those statements are enclosed. So, the petitioner claims that he is entitled to the interest for the period between 2013-2014 to 2017-2018 as shown in the statement and also the interest for the consequential period till 12.01.2023.

6. It is to be noted that the petitioner had already filed W.P(MD)No.8627 of 2014 for seeking annual statement of accounts pertaining to his PF account for the years 2008-2009 to 2013-2014. The Court has also dealt about the petitioner's claim for payment of interest beyond the financial year 2013-2014. The learned Single Judge had made an observation stating that the petitioner's claim cannot be allowed and he has not been entitled to get interest for the year 2013-2014. It is further observed that the entitlement itself is questionable because litigation in respect of the petitioner's dismissal from service is also pending. So, it is observed that the petitioner's claim for interest beyond 2014 is left open and he is at liberty to challenge it after the disposal of the petition pending before the Labour Court. In fact, the Court has directed the third respondent to pay the amount which is payable for the



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period 2013-2014 at the earliest to the petitioner and the petitioner fails to accept the same. Hence, he is not entitled to get any interest for the period 2010 to 2014. The essential part of the above judgment is extracted as under:

"15. Now, the claim of the petitioner is that he is entitled to payment beyond 2013-2014. However, the issue of his dismissal from service is pending before the Labour Court. At this juncture, the petitioner's claim cannot be allowed and he is not entitled to interest beyond 2013-2014. Since the entitlement itself is questionable, when the issue of dismissal from service is pending before the Labour Court, the petitioner cannot demand to pay the interest beyond 2013-2014. If the petitioner's plea in the case challenging the dismissal of service is allowed by the Labour Court then, the petitioner would be entitled to the amount, until then, the petitioner is not entitled to the said amount. Therefore, the claim of the petitioner is left open for the period beyond 2014 and the petitioner is at liberty to challenge it after the disposal of the petition before the Labour Court.

16. For the reasons stated above this Court is directing the third respondent to pay the amount which is payable for the period until 2013-2014 at the earliest. The petitioner shall accept the said amount without fail. If the petitioner declines to accept, the petitioner is not be entitled to any interest for the period from 2010 to 2014."



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7. However the petitioner's stand on the statement furnished to him beyond the period of 2013-2014 in the information furnished to him through RTI even though it is clarified by the learned counsel for the respondents that it is computerised statement and no much relevance can be given to the same. So far as the respondents are concerned, the petitioner is not entitled to any interest of Provident Fund after three years of his dismissal from service. According to the respondents, the PF account of the petitioner has been transferred to inoperative account after his settlement has been done. In such case, the petitioner cannot have any legal entitlement and even if he has got any such entitlement that should be depending upon the outcome of the Industrial Dispute raised by him challenging his dismissal. Since the very same issue has already been dealt and the findings have been rendered in W.P(MD)No.8627 of 2014, the petitioner has raised the very same issue once again by filing this writ petition. The computer generated statement given to the petitioner under the RTI Act cannot change the rules of Provident Fund.



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8. As on today, the petitioner is a dismissed employee and he is not on the roster of the respondents. The petitioner has already been disbursed with the PF amount along with interest added to the same as per the statutory provisions in this regard. Since the petitioner has challenged the same issue already settled before the Court in the earlier writ petition in W.P(MD)No.8627 of 2014 and the impugned clarificatory note given only in pursuant to the orders of the Court, I do not find any merit in the claim made by the petitioner. As on today, the petitioner's PF account is a settled/inoperative account. Hence, it is unfair on his part to claim interest for the later period even though there is no change in the status of employment of the respondents. As the petitioner has based his claim on his own imagination, he is not entitled with the relief as prayed.

9. In the result, this writ petition stands **dismissed**. No Costs.

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Index : Yes / No
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NCC : Yes / No
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R.N.MANJULA ,J.

PJL

**Pre-delivery Order in
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