



W.P.(MD)No.12476 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.12476 of 2022

A.Kishore Karthik
(Represented by Guardian P.Amutha)

... Petitioner

Vs.

1.The Regional Provident Fund Commissioner,
Employees Provident Fund Organization,
(Regional),
Bhavishya Nidhi Bhawan, LDC Road,
Chokikulam, Madurai-625 002.

2.The Administrative Officer,
Sri Kannathal Mills Private Limited,
Okkur,
Sivagangai Taluk and District.

3.Umadevi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, direct the 1st respondent herein to consider the Claim Form No.20 of the petitioner dated 17.01.2022 for disbursement of provident fund, insurance and monthly pension, etc., without insisting Guardianship Certificate, within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.V.S.Kumarguru



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For R-1 : Mr.S.Anwar Sameem

For R-3 : Mr.M.Vasantham

ORDER

Heard Mr.V.S.Kumarguru, learned counsel appearing for the petitioner, Mr.S.Anwar Sameem, learned counsel for the first respondent and Mr.M.Vasantham, learned counsel appearing for the third respondent.

2. This Writ Petition has been filed seeking a direction to the first respondent herein to consider the Claim Form No.20 of the petitioner dated 17.01.2022 for disbursement of Provident Fund, Insurance and monthly pension, etc., without insisting Guardianship Certificate, within a reasonable time as may be fixed by this Court.

3. The petitioner is represented through his grandmother Amutha. The grandfather and the father of the petitioner died and the third respondent, who is the mother of the petitioner also left the father of the petitioner in 2012 and she got divorce by mutual consent from the father of the petitioner.

4. It is brought to the notice of this Court that a portion of the death benefit of the deceased has already been disbursed to the mother of the deceased



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and as on today, it appears that the petitioner is in custody of the third respondent who is his mother.

5. At this juncture, the learned counsel appearing for the petitioner submitted that the minor petitioner's Grandmother Amutha now consents to disburse the share of the death benefits payable to the deceased by disbursing it to the third respondent on behalf of the minor.

6. In view of the same, the Writ Petition is disposed of with a direction to the first respondent to disburse the share of the minor to the third respondent on behalf of the minor, since she is the natural guardian of the minor and if any unsettled share is to be given to the mother of the deceased, the same shall also be disbursed to her and pass appropriate orders within a period of three weeks from the date of receipt of a copy of this order. No costs. The third respondent is required to furnish her bank details and furnish any other documents required by the first respondent in this regard.

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NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

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To

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- 2.The Administrative Officer,
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R.N.MANJULA, J.

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