



W.P.No.34319 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2025

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.34319 of 2019
and W.M.P.Nos.34985 of 2019

1. A.Chinnasamy
Door No.26/1, Venugopal Layout,
Avarampalayam, Ganapathy Post,
Coimbatore – 641 006.

2. V.Srinivasan,
No.77, Shanthi Nagar,
Meleripakkam Post,
Chengalpattu – 603 003.

... Petitioners

Vs.

1. The Provident Fund Commissioner,
Employees' Provident Fund Organization,
Regional Office,
341, Bhavishya Nidhi Bhavan,
Bandra (East), Mumbai – 400 051.

2. The Chief Executive Officer,
Khadi & Village Industries Commission,
Ministry of MSME, Government of India,
No.3, Irla Road, Vile Parle (W),
Mumbai – 400 056.

3. The Director,
Khadi & Village Industries Commission,
Ministry of MSME, Government of India,
No.3, Irla Road, Vile Parle (W),



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Mumbai – 400 056.

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4. The State Director,
State Office,
Khadi & Village Industries Commission,
Ministry of MSME, Government of India,
No.326, Avvaishanmugham Road,
Gopalapuram, Chennai – 600 086.

5. The Asst. Director,
Khadi & Village Industries Commission,
Sub-Office,
20, Mariamman Koil St.,
Avarampalayam,
Coimbatore – 641 006.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of mandamus to direct the first respondent Authority to pay (i) the 1st petitioner a sum of Rs.20,39,630.94/- towards EPF amount which includes the accrued interest and (ii) the 2nd petitioner a sum of Rs.20,99,426.40/- towards EPF amount which includes the accrued interest and also to pay their pensionary benefits and such other benefits along with penal interest at 18% per annum within a reasonable time frame as fixed by this Court.

For Petitioners : Mr.S.Sathish Kumar

For R1 : Mr.T.R.Sundaram

For R2 & R5 : Mr.A.V.Bharathi



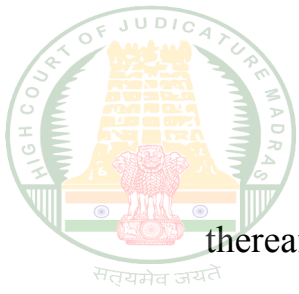
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ORDER

WEB COPY The petitioner has filed this writ petition seeking direction to direct the first respondent Authority to pay the 1st petitioner a sum of Rs.20,39,630.94/- towards EPF amount which includes the accrued interest and pay the 2nd petitioner a sum of Rs.20,99,426.40/- towards EPF amount which includes the accrued interest and also to pay their pensionary benefits and such other benefits along with penal interest at 18% per annum.

2. The first and second petitioner joined the services of the fifth respondent in the year 1978 and 1982 respectively. The petitioners employed in the Trading Establishment of Sub-Office, Khadi and Village Industries Commission, Coimbatore as watchman.

3. Mr.S.Sathish Kumar, the learned counsel for the petitioners, submitted that the petitioners were covered under the Employees' Providence Fund Act, 1952 and the contributions have been made by both the employer and the employee during their service towards the EPF. The petitioner claims that after 18 months of their retirement they have given with partial settlement of EPF amount accrued in their account and



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thereafter they have not been paid with any further amount.

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4. As per the contention of the petitioners, there was a specific closing balance in their EPF accounts before the accounts were digitalized. When the accounts were digitalized during April, 2012, the opening balance was shown as 'nil'. The contributions made from the date of joining of the petitioners till the digitalization did not reflect in their EPF accounts. Despite the petitioners have given several letters to respondents 1 to 3 to pay their EPF benefits they were not given with full amount so far.

5. It appears from the records that the third respondent has written a letter dated 11.01.2019 to the first respondent stating that there was some discrepancies. He also requested the first respondent to look into the matter and resolve it at the earliest on humanitarian ground. However, the first respondent have not looked into the matter so far.

6. It is the claim of the petitioners that except them, the rest of the employees of the third respondent have been covered under EPF scheme. It is submitted by the first respondent that the claim of the petitioners have



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been rejected and during the digitalization process due to non-availability of records the principal amount has been reflected as Zero and after the records were obtained, the account is now updated. It is assured by the submission of the first respondent that the discrepancies have been resolved and the amount has been settled once the required forms are submitted in respect of the petitioner (Chinnasamy). It is further submitted that the EPF claim of the respective petitioners have been settled on 24.10.2020 and 29.10.2020 respectively and it is further submitted that the file has been sent to the Regional Office, Tambaram on 14.12.2020 and 05.02.2021 for disbursement of monthly pension as well.

7. In view of the above submissions made by the first respondent, I feel it is appropriate to direct the first respondent to inform the petitioners about the status that has been taken and invite their further objections if any and settle the same without any further delay.

8. In view of the above stated reasons, this writ petition is disposed by directing the first respondent to inform the petitioner the steps so far taken in this regard and get any other further details if needed from the respondents 2 and 3 and give quietus for the matter once and for all by

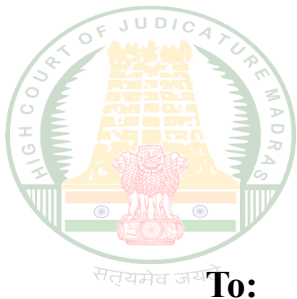


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considering the objections if any raised from the petitioners in this regard
and pass orders on merits in accordance with law, within a period of four
weeks from the date of receipt of a copy of this order. No costs. Connected
miscellaneous petition is closed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order
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R.N.MANJULA, J.

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