



WP(MD), No.1948 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 15.10.2025

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.1948 of 2022
and WMP(MD)No.1670 of 2022

Amutha

... Petitioner

Vs.

1. The Assistant P.F. Commissioner,
Employee's Provident Fund Organisation,
Regional Office,
Bhavishyanidhi Bhavan,
No.1, Lady Doak College Road,
Madurai – 625 002.

2. The Manager,
TASMAC,
Madurai North,
Madurai-Rameswaram Highways,
Thirupuvanam,
Sivagangai District.

3. Suthamani

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent pertaining to its order bearing No.TN/MDU/RO/3(2)/42888/B/492/Accounts/2021 dated 26.10.2021 and to quash the same and consequently direct the 1st respondent to pay the benefits consequent to the death of J.Balakrishnan in the interest of



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minors.

For Petitioner : Mr.S.C.Herold Singh
For R1 : Mr.A.John Xavier
For R2 : Mr.H.Arumugam

ORDER

One Balakrishnan, an employee of TASMACH, died on 27.12.2009 leaving his wife and two children. After the demise of the said Balakrishnan, his wife, namely, the 3rd respondent herein, got married with another person and also deserted her children. The petitioner is the sister of the deceased Balakrishnan. She filed an application before the Principal District Court, Theni, in G.W.O.P.No.18 of 20017. The said petition was allowed on 08.01.2019 and she was appointed as Guardian of the minor children.

2. According to the petitioner, the deceased Balakrishnan is a member of EPF and therefore, he is entitled for EPF contribution. The petitioner claims that the 3rd respondent/the wife of the deceased Balakrishnan has executed a release deed dated 28.06.2010 releasing her rights over the properties of the deceased Balakrishnan, since she got married with another man. Without considering the same, the respondent



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has refused to part with the share meant for the 3rd respondent.

Aggrieved over the same, the petitioner has filed this writ petition.

3. Though notice was ordered to the 3rd respondent, it has not been served on the 3rd respondent.

4. The learned counsel for the petitioner submits that the 3rd respondent got married with another person and she is residing elsewhere. Further, the petitioner is not having any contact with the 3rd respondent and therefore, she is not aware of the whereabouts of the 3rd respondent.

5. In view of the submission made by the learned counsel for the petitioner, this Court directed the EPF Authority to ascertain the whereabouts of the 3rd respondent. The EPF Authority has also expressed their difficulty. However, the EPF Authority has admitted that the 3rd respondent got married with another person and she deserted her children. Now, the children are in the custody of the petitioner. The subject matter of EPF contribution meant for the 3rd respondent is



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Rs.12,391/-.

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6. Though the writ petition is pending from the year 2022, the petitioner as well as the EPF authority claims that the whereabouts of the 3rd respondent is not known. Admittedly, the children of the deceased Balakrishnan are in the custody of the petitioner. In order to give quietus to the issue, this Court directs the EPF Authority to deposit the share amount of 3rd respondent in a fixed deposit in favour of the minor children till they attain majority. On attaining majority, the children shall withdraw the same with the interest accrued thereon. Let this exercise be completed within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

15.10.2025

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Index : Yes / No.

Internet: Yes / No.

NCC : Yes / No.

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B.PUGALENDHI, J.

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