



W.P(MD)No.7090 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.7090 of 2022 and
WMP(MD) No.5378 of 2022

Michlin Ruphina Maragatham

... Petitioner

Vs

1.The Employees Provident Fund Organization,
Through its Regional Provident Fund Commissioner,
Bhavishya Nidhi Bhavan,
Ngo B Colony,
Thirunelveli 627 007.

2.The Assistant Provident Fund Commissioner,
The Employees Provident Fund Commissioner,
Bhavishya Nidhi Bhavan,
NGO "B" Colony,
Thirunelveli 627 007.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings dated 11/03/2022 in No.CB/TNY/A.G. 9(4)/75844/168/2022 of the second respondent and set aside the



W.P(MD)No.7090 of 2022

same and consequently direct the respondents herein to refund the entire EPF and EPS benefits due to her late husband A.Bright with EPF Account No.MD/TNY/75844/168 and UAN 100608866027, including the share of her daughter B.Divina Shaelyn aged 12 years and son B.Best Jokim aged 7years.

For Petitioner : Mr.VR.Shanmuganathan
For Respondents : Mr.A.John Xavier

ORDER

The petitioner's husband one Bright, who was working as an Assistant Professor in VV College of Engineering, Arasoor, Sathankulam died on 01.05.2021. He has rendered his service from 05.07.2014 and therefore, he is entitled for the benefits from his EPF Account No. MD/TNY/75844/168. The EPF Authority has settled 1/3rd share of the eligible amount to the petitioner and retained 2/3rd amount, which is pertaining to their minor children. The Authority has directed the petitioner to obtain Guardianship Certificate from the competent Court, vide a communication, dated 11.03.2022, as the petitioner is a Christian. Aggrieved over the same, the petitioner



W.P(MD)No.7090 of 2022

WEB COPY

has filed this writ petition in the year 2022 and the same is pending.

2.The learned counsel appearing for the petitioner by referring to the earlier order passed by this Court in WP.No.6943 of 2018, dated 11.08.2018 submits that in a similar matter, this Court has directed the EPF authority to pay the contribution pertaining to the minors to their natural guardian, as provided under Section 72(3) of the Employees Provident Fund Scheme 1952.

3.The learned counsel for the respondents by referring to the Manual of Accounting Procedure Part II A of Employees' Provident Fund Scheme, 1952 , issued by the Employees' Provident Fund Organization, Ministry of Labour, Government of India submits that the guardian cannot claim the properties of the minors unless and until he/she is appointed as a Guardian by a competent Court. Therefore, the respondent has insisted the petitioner to produce an order of the Court appointing her as a Guardian to disburse the remaining 2/3rd share amount, pertaining to the minors.



W.P(MD)No.7090 of 2022

WEB COPY

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The respondent EPF authority has settled 1/3rd of the EPF dues of the deceased employee to his wife/the petitioner herein, however, they have insisted the petitioner to obtain an order of guardianship from the competent Court for disbursement of the remaining 2/3rd share of their minor children, which has been retained by the EPF authority. The requirement of guardianship Certificate is also dealt with under the EPF Scheme in Paragraph 72(3) as under:-

72. Payment of Provident Fund:-

(3) If the person to whom any amount is to be paid under this Scheme is a minor for whose estate a guardian under the Guardians and Wards Act, 1890 (8 of 1890), has been appointed, the payment shall be made to such guardian. Where no guardian under the Guardians and Wards Act, 1890 (8 of 1890), has been appointed, the payment shall be made to the guardian, if any, appointed under the subparagraph (4A) of paragraph 61. Where no guardian under the Guardians and Wards Act, 1890 (8 of 1890) or under sub-paragraph (4A) of



WEB COPY



W.P(MD)No.7090 of 2022

paragraph 61 has been appointed, the payment shall be made to the natural guardian and in the absence of a natural guardian, to such person as the Commissioner, where the amount does not exceed [Rs. 20.0] or the Chairman of the Central Board, if the amount exceeds [Rs. 20.0] , considers to be the proper person representing the minor and the receipt of such person for the amount paid shall be a sufficient discharge thereof."

6. Following the same, this Court in a similar issue has passed an order in W.P.No.6943 of 2018, dated 11.08.2018 and the relevant paragraphs are extracted as under:-

"6.The scheme do not provide that the natural guardian should produce the guardianship certificate in order to get the provident fund amount. The word "guardian" means a person having care of the person of the minor or office property or of both his person and property, as per Section 4(2) of the Guardianship and Wards Act, 1890. It is not in dispute that the mother is the natural guardian of the wards. Therefore, it is not proper for the second respondent to insist upon the production of the guardianship certificate, for disbursing the provident fund amount to the petitioner.

7.The second respondent is hereby directed to disburse the amount due to the legal heirs of the petitioner viz., the two sons of the deceased, as claimed in the petition without insisting upon the



W.P(MD)No.7090 of 2022

WEB COPY

guardianship certificate, within a period of three weeks from the date of receipt of copy of this order."

7.In view of the above and considering that this Court has already issued a direction in the similar issue as referred above, this writ petition is allowed. The respondent EPF authorities are directed to disburse the amount due to the legal heirs of the deceased employee to the petitioner/natural guardian/the mother of the minors, as per Section 72(3) of the Employees Provident Fund Scheme 1952, within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

18.11.2025

Index:Yes
Internet:Yes
vrn



W.P(MD)No.7090 of 2022

To
WEB COPY

- 1.The Employees Provident Fund Organization,
Through its Regional Provident Fund Commissioner,
Bhavishya Nidhi Bhavan,
Ngo B Colony,
Thirunelveli 627 007.

- 2.The Assistant Provident Fund Commissioner,
The Employees Provident Fund Commissioner,
Bhavishya Nidhi Bhavan,
NGO "B" Colony,
Thirunelveli 627 007.



WEB COPY



W.P(MD)No.7090 of 2022

B.PUGALENDHI, J.

vrn

Order made in
W.P(MD)No.7090 of 2022 and
WMP(MD) No.5378 of 2022

18.11.2025