



WP(MD)No.24642 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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N.Kumar

...Petitioner

Vs

1.The Deputy Commissioner of Labour,
No.2, Abdul Salam Street,
Khajamalai Colony,
Trichy – 620020.

2.M/s.TVS Sundaram Industry,
Rep by its Managing Director,
South Veli Street,
Madurai – 625001.

3.T.V.S.Sundaram Coach Centre,
Rep by its Manager,
Trichy Main Road,
Viralimalai,
Puthukottai district.

...Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the 1st and 2nd respondents to give provident fund and other death benefits of deceased Thirumoorthy with interest from 10.10.2005 within the stipulated time fixed by this Court to the petitioner and other legal heirs of the deceased,



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Thirumoorthy on the basis of the representation made by this petitioner dated 01.02.2022.

For Petitioner : Mr.Rajesh Saravanan.B
For Respondent : Mr.S.Vinodh,
No.1 Government Advocate
For Respondent : Mr.T.Ravichandran
No.2

ORDER

The petitioner wife of the deceased employee of the 3rd respondent has filed this writ petition seeking a direction to the respondent Nos.1 and 2 to pay the provident fund and other death benefits of her deceased husband Thirumoorthy.

2.When this writ petition is taken up for hearing, the learned counsel for respondent Nos.2 and 3 submits that there was dispute with regard to the legal heirship between the petitioner and the 2nd wife of said Thirumoorthy and finally it has been decided by the civil court. Thereafter the gratuity amount due to the petitioner and other legal heirs was settled by the authority under the Payment of Gratuity Act by order dated 31.10.2007 to the petitioner Seeniammal / wife of deceased



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Thirumoorthy, Kamu, Sree Yamunadevi, Narmatha Priya, Nikitha, Bhavatharani and Pavithra / daughters of the deceased.

3.The learned counsel on either side submits that Nikitha, Bhavatharani and Pavirthra are the daughters born through one Alagu Meena.

4.The learned counsel for the petitioner submits that though the gratuity amount has been settled, the provident fund amount has not been settled. The learned counsel for the respondent Nos.2 and 3 submits that there is no other retirement benefit other than the gratuity and provident fund. Since there was no claim for the provident fund, the provident fund due to the deceased employee Thirumoorthy was surrendered to the PF authority. The learned counsel submits that as and when any claim is made by the petitioner, the same would be forwarded by the management to the provident fund authority.

5.This court considered the rival submissions made.



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6.It appears that the petitioner's husband died on 10.10.2005.

He had second wife. Therefore there was some litigation with regard to the legal heirship, it has been decided and gratuity amount has been settled to the petitioner and other legal heirs by the gratuity authority on 31.10.2007. The petitioner claims that the provident fund shall also be disbursed in the similar manner that of the gratuity amount.

7.The learned counsel for the respondent Nos.2 and 3 claims that the amount has already been surrendered and it is lying with the provident fund authority and as and when claim is made, the same would be forwarded to the provident fund authority and the learned counsel will ensure that the amount is disbursed to the petitioner without any further delay.

8.Considering the above submission, this writ petition is allowed with a direction to the petitioner to make a claim application before the respondent No.2 within a period of four weeks from the date of receipt of a copy of this order and on receipt of such an application, the respondent



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No.2 shall forward the same to the Provident Fund Authority and shall ensure that the amount due to the deceased employee Thirumoorthy is settled to the petitioner and other legal heirs, within a period of six months from thereon. No costs.

22.10.2025

DSK

To

- 1.The Deputy Commissioner of Labour,
No.2, Abdul Salam Street,
Khajamalai Colony,
Trichy – 620020.
- 2.The Managing Director,
M/s.TVS Sundaram Industry,
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