



W.P.(MD) No.23167 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.23167 of 2017

A.R.Packiam

... Petitioner

-VS-

- 1.The Commissioner
The Regional Office
The Assistant Provident Fund
Commissionerate
Employees Provident Fund
Organisation
Lady Doak College Road
Chokkikulam, Madurai
- 2.The Secretary
MD Spl.58, Kallupatti Primary
Agricultural Co-operative
Credit Society
Mathippanur Post
M.Kallupatti Taluk
Madurai District
- 3.The Deputy Registrar of
Co-operative Societies
Usilampatty @ Thirumangalam
Madurai District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to disburse the provident fund payable to the petitioner's husband, namely, Late.M.Ammavasi @ Ravichandran, within a stipulated time, based on the petitioner's representation dated 14.06.2017.

For Petitioner : Mr.Niranjana S.Kumar

For Respondents : Mr.A.John Xavier for R1
Mr.P.R.Prithviraj for R2
Mr.A.Baskaran
Additional Government Pleader for R3

ORDER

This writ petition has been filed by the petitioner seeking a writ of mandamus directing the respondents to disburse the provident fund amount payable to her deceased husband, namely, M.Ammavasi @ Ravichandran, within a time stipulated by this Court, by considering her representation dated 14.06.2017.



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2. It is a case of the petitioner that her deceased husband was enrolled with the Employees' Provident Fund Organisation with Enrollment No.TN/29115/1 and he was retired from service on attaining the age of superannuation in the second respondent – Society on 31.12.2009 and thereafter, he expired on 15.12.2013. However, the provident fund amount payable to the petitioner's deceased husband was not paid and therefore, she has approached this Court by filing the present writ petition seeking the prayer as noted above.

3. The first respondent has filed a counter affidavit admitting the fact of enrollment of the petitioner's deceased husband in the Employees' Provident Fund Organisation and has also stated that the provident fund amount payable to the petitioner's deceased husband was partly settled in the month of July, 2010 to the tune of Rs.16,478/- and the balance amount could not be settled as the second respondent committed default in payment of provident fund dues and therefore, action was initiated against the second respondent. It is further stated that in the light of the action initiated by the first respondent, the second respondent has remitted a sum of Rs.2,53,345/- for the period from 1996-1997 to 2008-2009 and hence, the claim of the



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petitioner can be settled. However, it is only for want of Electronic Challan-cum-Report (ECR) from the second respondent, the provident fund amount could not be settled in respect of the petitioner's deceased husband as well as other employees. It is further stated that in spite of repeated requests made by the first respondent, the second respondent has not furnished the ECR particulars of the petitioner's deceased husband to enable the first respondent to settle the claim of the petitioner. Paragraph No.6 of the counter affidavit reads as under:

“6.It is submitted that the petitioner has purposefully suppressed the facts that the Provident Fund accumulations standing to the credit of the deceased member has already been settled and the Monthly Widow Pension has also been sanctioned. As the 1st respondent has made PF settlement and released widow pension, the liability has been discharged by the 1st respondent. Further, the 1st respondent has taken action against the 2nd respondent establishment for defaulting in remittance of PF dues for the period 1996-97 to 2008-2009 and respective statutory returns. With the strenuous effort of the 1st Respondent Organisation an amount of Rs.2,53,345/- was recovered from the 2nd Respondent Establishment. After that, the 2nd Respondent has not submitted the ECR (Electronic Challan cum Report)



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Text Files so as to enable the 1st Respondent Organisation to credit the amount in respect of the concerned employees of the establishment. Once the same is submitted, the contributions if any due to the deceased member will be paid to the petitioner, on receipt of necessary claims.”

4. This Court, on 18.02.2025, when the matter was taken up for consideration, having taken note of the stand of the first respondent in his counter affidavit, directed the learned counsel appearing for the second respondent to get instructions as to why the second respondent is not furnishing the ECR particulars to the first respondent.

5. Pursuant to the said direction, today, when the matter is taken up for consideration, learned counsel appearing for the second respondent, on instructions from the second respondent, submitted that the second respondent will furnish the ECR particulars of the petitioner's deceased husband for the sum of Rs.2,53,345/- to the first respondent within a period of two weeks from today.



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6. In view of the above submission, this Court is of the view that no further adjudication in detail is required in this writ petition.

7. Accordingly, this writ petition is disposed of directing the second respondent to submit the ECR particulars of the petitioner's deceased husband for the period from 1996-1997 to 2008-2009 for the sum of Rs.2,53,345/- to the first respondent within a period of two weeks from today. On receipt of the said ECR particulars, the first respondent shall pass appropriate orders for release of the provident fund amount, for which the petitioner's deceased husband is entitled to, and release the same in favour of the petitioner, within a further period of four weeks from the date of receipt of the ECR particulars from the second respondent. No costs.

19.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:
The Deputy Registrar of
Co-operative Societies,
Usilampatty @ Thirumangalam,
Madurai District.



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MUMMINENI SUDHEER KUMAR, J.

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