



W.P(MD)No.20080 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.20080 of 2023

P.Ramar

... Petitioner(s)

vs.

1. The Regional Provident Fund,
Commissioner - II, Group 41,
Office of the Regional Provident Fund Commissioner,
No.37, Royapettah High Road,
Chennai-600 014.

2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Madurai Region,
Madurai.

... Respondent(s)

PRAYER : Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in No.TN/RO/CHN-1/Exem/Gr.41/Reg1/2022 dated 25.11.2022 on the file of the Respondent No.1 and quash the same as illegal and consequently for a direction, directing the Respondent No.1 to sanction the



W.P(MD)No.20080 of 2023

WEB COPY

Employees Provident Fund Pension along with arrears and other benefits to the Petitioner within the time period.

For Petitioner : Ms.M.Thayiba Habiba
for M/s.Lajapathi Roy and Associates

For Respondents : Mr.John Xavier, Standing Counsel

ORDER

This writ petition has been filed challenging the order dated 25.11.2022 passed by the first respondent and consequently, seeking for a direction to the first respondent to sanction the Employees Provident Fund Pension along with arrears and other benefits to the Petitioner within the time period.

2. The case of the petitioner is that the petitioner joined the Tamil Nadu Civil Supplies Corporation as a Loadman on 01.10.1975 and voluntarily retired from service on 30.04.2009 on account of ill health. According to the petitioner, he had rendered more than 34 years of service and was drawing wages during the said period. Though the petitioner was a member of the Employees'



W.P(MD)No.20080 of 2023

WEB COPY

Provident Fund Scheme from the year 1971, the employer was brought under the Employees' Pension Scheme, 1995 only from the year 2001 and thereafter, contributions towards the Employees' Pension Scheme were deducted from his salary till the date of his retirement. However, no pensionary benefits were extended to him. The petitioner had earlier filed W.P.(MD) No.20112 of 2022, wherein this Court, by order dated 01.09.2022, directed the Employees' Provident Fund Organisation to consider his representation and pass appropriate orders within a period of eight weeks. Pursuant thereto, the impugned order came to be passed rejecting his claim. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submitted that the petitioner had rendered more than 34 years of service in the Tamil Nadu Civil Supplies Corporation. However, the first respondent erroneously concluded that the petitioner had rendered only about nine years of qualifying service under the Employees' Pension Scheme and on that basis, rejected his claim for pension. Hence, the impugned order is liable to be set aside.



W.P(MD)No.20080 of 2023

WEB COPY

4.Per contra, the learned Standing Counsel appearing for the first respondent submitted that the petitioner's employer was brought under the Employees' Pension Scheme only with effect from 01.05.2001. The petitioner voluntarily retired from service on 18.12.2009. Therefore, the petitioner had rendered less than ten years of qualifying service under the Employees' Pension Scheme and was consequently not eligible for monthly pension under the Scheme. The learned Standing Counsel further submitted that the petitioner had submitted Form 10-C through his employer and claimed withdrawal benefit under the Employees' Pension Scheme. Accordingly, a sum of Rs.34,904/- towards withdrawal benefit was sanctioned and credited to the petitioner's account through Indian Overseas Bank on 17.12.2018. Having accepted the withdrawal benefit, the petitioner is not entitled to seek pension under the Scheme. Accordingly, he prayed for dismissal of the writ petition.

5. This Court has carefully considered the rival submissions and perused the materials available on record.



W.P(MD)No.20080 of 2023

WEB COPY

6. The facts are not in dispute. Though the petitioner entered service in the Tamil Nadu Civil Supplies Corporation on 01.10.1975, it is an admitted position that the employer was brought under the Employees' Pension Scheme only with effect from 01.05.2001. The petitioner voluntarily retired from service on 18.12.2009. Therefore, the period of qualifying service under the Employees' Pension Scheme is less than ten years. Under the provisions of the Employees' Pension Scheme, an employee becomes entitled to monthly pension only on completion of the prescribed qualifying service. Since the petitioner had rendered less than ten years of qualifying service under the Scheme, he is not entitled to monthly pension. It is also not in dispute that the petitioner had already submitted Form 10-C and received a sum of Rs.34,904/- towards withdrawal benefit under the Employees' Pension Scheme.

7. In such circumstances, this Court finds no infirmity in the impugned order passed by the first respondent rejecting the petitioner's claim for pension. However, if the petitioner is aggrieved by any omission on the part of his employer in extending the benefits available under law, it is open to him to work out his remedy against the employer in the manner known to law.



W.P(MD)No.20080 of 2023

WEB COPY

8. Accordingly, the writ petition stands dismissed. No costs.

22.07.2026

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



W.P(MD)No.20080 of 2023

WEB COPY To

1. The Regional Provident Fund,
Commissioner - II, Group 41,
Office of the Regional Provident Fund Commissioner,
No.37, Royapettah High Road,
Chennai-600 014.

2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Madurai Region,
Madurai.



WEB COPY



W.P(MD)No.20080 of 2023

M.DHANDAPANI,J.

PKN

**ORDER MADE IN
W.P(MD)No.20080 of 2023**

DATED : 22.07.2026