

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2015

CORAM:

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.29901 of 2011

T. Alagar

... Petitioner

Vs.

1. The Regional Commissioner
Employees Provident Fund
Organisation
No.37, Royapettah High Road,
Chennai 600 014.

2. M/s.Srinivasa Cylinders
M.G.R.Salai, Palavakkam
Chennai 600 041.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent to sanction pension under the Employees Provident Fund Scheme with effect from February, 2008 to the petitioner.

For Petitioner : Mr.S.Udhayakumar

For RR1 : Mr.J.Sathyanarayana Prasad

For RR2 : Mr.M.Kalidass

O R D E R

With the consent of the learned counsel appearing on either side, this writ petition is taken up for final disposal.

2. Heard Mr.S.Udhayakumar, learned counsel appearing for the petitioner and Mr.J.Sathyanarayana Prasad, learned counsel appearing for the first respondent as well as Mr.M.Kalidass, learned counsel appearing for the second respondent.

3. The petitioner has come forward with the present writ petition to direct the first respondent to sanction pension under the Employees Provident Fund Scheme with effect from February, 2008 to the petitioner.

4. The petitioner approached this court since the representations were not considered. During the pendency of this writ petition, the first respondent has passed an order on 24.01.2012 and communicated the same to the petitioner, which reads as follows:

EMPLOYEES PROVIDENT FUND ORGANIZATION
REGIONAL OFFICE
CHENNAI - 14

TN/MAS/22135/153/GR, 19/REP/2012

Dt:24.01.2012

To
Shri T. Alagar,
S/o.Thirumalai,
No.4/106, Dr.Ambedhkar Street,
Palavakkam,
Chennai 600 041.

Sir,

Sub: Reply regarding Grant Of Pension -
P.F.A/c.No.TN/MAS/22135/153-reg.

Ref: Your representation dated 24.06.2011.

I am to informing that your representation dt.24.06.2011 has been carefully considered by this office with relevant documents and records.

The date of birth of you has desired by you has not been accepted on the strength of the Medical Certificate enclosed which has no valid legal binding.

I am to informing that as per this office records your date of birth 13.06.64 has given by you at the time of joining with the establishment having code No.TN/MAS/22135 and account number allotted to you is 153. This office has processed your EPS'95 claim in Form 10c on 28.02.2008 and the Scheme Certificate No.49635 issued to you. As per the said Scheme Certificate you are eligible to receive full pension on attaining the age of 58 years i.e., with effect from 13.06.2022. Otherwise, so particular to receive the Reduced Pension you may get the same with effect on 13.06.2014.

Yours faithfully,

(R.GOVINDARAJAN)
ASSISTANT PF COMMISSIONER

In the light of the stand taken by the respondent in the above referred communication, it is open to the petitioner to work out his remedies available to him in the manner known to law. The writ petition is disposed of accordingly. No costs.

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

Gv

To

The Regional Commissioner
Employees Provident Fund
Organisation
No.37, Royapettah High Road,
Chennai 600 014.

+ 1 cc to M/s.J.Sathya Narayana Prasad, Advocate SR 63420

ad(co)
prk2/12

W.P.No.29901 of 2011



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