

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25..10..2016

C O R A M

The Hon'ble Mr. SANJAY KISHAN KAUL, CHIEF JUSTICE
and

The Hon'ble Mr. Justice R.MAHADEVAN

Writ Appeal Nos.203, 204, 213, 382, 511, 1397 to 1430 and 1139
of 2011

1 THE UNION OF INDIA REP. BY
ITS SECRETARY MINISTRY OF LABOUR SHRAM
MANTRALAYA NEW DELHI.

2 REGIONAL PROVIDENT FUND
COMMISSIONER (PENSION) N. 20 ROYAPETTAH
HIGH ROAD CHENNAI-14.

3 ASSISTANT PROVIDENT FUND
COMMISSIONER (PENSION) NO. 10 A/3 ST.
THOMA ROAD HIGH GROUND THIRUNELVELI 627 011.

... APPELLANTS in WA No.203,204,213,382,511,1397,
1398,1399,1400,1401,1402,1403,1404,1405,1406,
1407,1408,1409, 1139 of 2011

1 THE UNION OF INDIA
REP. BY ITS SECRETARY MINISTRY OF LABOUR
SHRAM MANTRALAYA NEW DELHI.

... APPELLANT in WA No.1410 to 1430 of 2011

WEB COPY

1	LAKSHMANAN	... RESPONDENT	in WA No.203 of 2011
1	S.VELU	... RESPONDENT	in WA No.204 of 2011
1	PALANI	... RESPONDENT	in WA No.213 of 2011
1	N.GANAPATHY	... RESPONDENT	in WA No.382 of 2011
1	M.PARAMASIVAM	... RESPONDENT	in WA No.511 of 2011
1	ATHITHAN	... RESPONDENT	in WA No.1397 of 2011

1 LAKSHMANAN ... RESPONDENT in WA No.1398 of 2011
 1 K.SUBRAMANIAN ... RESPONDENT in WA No.1399 of 2011
 1 S.SESURAJ ... RESPONDENT in WA No.1400 of 2011
 1 SUBBIAH ADAVIAR ... RESPONDENT in WA No.1401 of 2011
 1 RADHA ... RESPONDENT in WA No.1402 of 2011
 1 RAMASAMY ... RESPONDENT in WA No.1403 of 2011
 1 A.SUBBIAH ... RESPONDENT in WA No.1404 of 2011
 1 P.THIRUCHITRAMBALAM... RESPONDENT in WA No.1405 of 2011
 1 M.RAMASUBRAMANIAM ... RESPONDENT in WA No.1406 of 2011
 1 OISWAN ... RESPONDENT in WA No.1407 of 2011
 1 KRISHNAN ... RESPONDENT in WA No.1408 of 2011
 1 ATHIMOOLAM ... RESPONDENT in WA No.1409 of 2011

1 MR.S.KANDASAMY
 NO.34-A SWAMY SANNATHI ST ARUMUGANERI
 TUTICORIN DIST ... RESPONDENTS in WA No.1410 of 2011

2 PROVIDENT FUND COMMISSIONER
 PENSION EMPLOYEES PROVIDENT FUND ORGANISATION
 HEAD OFF BHAVISHYANIDHI BHAVAN NO.14 BHIKAHI
 CAMAPLACE NEW DELHI 110 066

3 REGIONAL PROVIDENT FUND
 COMMISSIONER (PENSION) 20 ROYAPETTAH HIGH
 ROAD CHENNAI -14.

4 ASSISTANT PROVIDENT FUND
 COMMISSIONER (PENSION) 10 A/3 ST. THOMAS
 ROAD HIGH GROUND TIRUNELVELI - 627 011.

1 M.PARAMASIVAM ... 1st RESPONDENT in WA No.1411 of 2011
 1 S.ARUMUGAM ... 1st RESPONDENT in WA No.1412 of 2011
 1 RAMASAMY ... 1st RESPONDENT in WA No.1413 of 2011
 1 LAKSHMANAN ... 1st RESPONDENT in WA No.1414 of 2011
 1 RADHA ... 1st RESPONDENT in WA No.1415 of 2011
 1 M.RAMASUBRAMANIAM ... 1st RESPONDENT in WA No.1416 of 2011
 1 K.SUBRAMANIAN ... 1st RESPONDENT in WA No.1417 of 2011
 1 R.MURUGESAN ... 1st RESPONDENT in WA No.1418 of 2011
 1 OISWAN ... 1st RESPONDENT in WA No.1419 of 2011
 1 S.SESURAJ ... 1st RESPONDENT in WA No.1420 of 2011
 1 SUBBIAH ADAVIAR ... 1st RESPONDENT in WA No.1421 of 2011
 1 A.SUBBIAH ... 1st RESPONDENT in WA No.1422 of 2011

1 S.VELU ... 1st RESPONDENT in WA No.1423 of 2011
1 ATHITHAN ... 1st RESPONDENT in WA No.1424 of 2011
1 LAKSHMANAN.S ... 1st RESPONDENT in WA No.1425 of 2011
1 N.GANAPATHY ... 1st RESPONDENT in WA No.1426 of 2011
1 PALANI ... 1st RESPONDENT in WA No.1427 of 2011
1 KRISHNAN ... 1st RESPONDENT in WA No.1428 of 2011
1 P.THIRUCHITRAMBALAM ... 1st RESPONDENT in WA No.1429 of 2011
1 ATHIMOOLAM ... 1st RESPONDENT in WA No.1430 of 2011

2 REGIONAL PROVIDENT FUND
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COMMISSIONER (PENSION)
10 A/3 ST. THOMAS ROAD
HIGH GROUND TIRUNELVELI - 627 011.

... 2nd and 3rd RESPONDENTS in
WA No.1410 to 1430 of 2011

1 S.ARUMUGAM ... RESPONDENT in WA No.1139 of 2011

Prayer in W.A.No.203 of 2011 & W.A.No.1414 of 2011:

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 19.07.2010 made in W.P.No.14121 of 2005 praying this court to issue a writ of certiorari mandamus after calling for the records pertaining to the clarification issued by the 1st respondent in Letter No.R-15025/01/99/SS-II dated 10.03.1999 clarifying para 12 of the Employment Pension Scheme quash the same and consequently direct the respondents to pay the Petitioner pension at the rate of Rs.835/-per month as provided in para 12(5) of the Employees Pension Scheme 1995 with effect from 01.07.1998 with interest at the rate of 9% per annum.

Prayer in W.A.No. 204/2011: & W.A.No.1423 of 2011:

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 19.07.2010 made in W.P.No.14126 of 2005 praying this court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the clarification issued by the 1st respondent in Letter No.R-15025/01/99/SS-II dt. 10.5.99 clarifying para 12 of the Employment Pension Scheme, quash the same and consequently direct the respondents to pay the petitioner pension at the rate of Rs.835/- per month as provided in para 12 (5) of the Employees Pension Scheme 1995

with effect from 1.7.98 with interest at the rate of 9% per annum.

Prayer in W.A No.213 of 2011 & W.A.No.1427/2011:

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 19.07.2010 made in W.P.No.14117 of 2005 praying this court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the clarification issued by the 1st respondent in Letter No. R-15025/01/99/SS-II, dt. 10.5.99 clarifying para 12 of the Employment Pension Scheme, quash the same and consequently direct the respondents to pay the petitioner pension at the rate of Rs.1007/- per month as provided in para 12(4) of the Employees Pension Scheme 1995 with effect from 1.1.2001 with interest at the rate of 9% per annum.

Prayer in W.A No.1397 & 1424 of 2011:

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 19.07.2010 made in W.P.No.14719 of 2005 praying this court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the clarification issued by the 1st respondent in letter No.R-15025/01/99/SS-II dt:10.5.99 clarifying para 12 of the Employment pension Scheme, quash the same and consequently direct the respondents to pay the petitioner pension at the rate of Rs.1038 per month as provided in para 12 (4) of the Employees Pension Scheme 1995 with effect from 1.4.2001 with interest at the rate of 9% per annum.

Prayer in W.A No.1399 of 2011 :

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 19.07.2010 made in W.P.No.14119 of 2005 praying this court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the clarification issued by the 1st respondent in Letter No. R-15025/01/99/SS-II, dt. 10.5.99 clarifying para 12 of the Employment Pension Scheme, quash the same and consequently direct the respondents to pay the petitioner pension at the rate of Rs.1049/- per month as provided in para 12(4) of the Employees Pension Scheme 1995 with effect from 1.11.2002 with interest at the rate of 9% per annum.

Prayer in W.A.No.1400 & 1420 of 2011 :

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 19.07.2010 made in W.P.No.14720 of 2005 praying this court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the clarification issued by the 1st respondent in letter No.R-15025/01/99/SS-II dt:10.5.99 clarifying para 12 of the Employment pension Scheme, quash the same and consequently direct the respondents to pay

the petitioner pension at the rate of Rs.835 per month as provided in para 12 (4) of the Employees Pension Scheme 1995 with effect from 1.4.98 with interest at the rate of 9% per annum.

Prayer in W.A.No.1401 & 1421 of 2011 :

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 19.07.2010 made in W.P.No.14721 of 2005 praying this court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the clarification issued by the 1st respondent in letter No.R-15025/01/99/SS-II dt:10.5.99 clarifying para 12 of the Employment pension Scheme, quash the same and consequently direct the respondents to pay the petitioner pension at the rate of Rs.835 per month as provided in para 12 (5) of the Employees Pension Scheme 1995 with effect from 1.7.98 with interest at the rate of 9% per annum.

Prayer in W.A.No.1402 & 1415 of 2011 :

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 19.07.2010 made in W.P.No.13638 of 2005 praying this court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the clarification issued by the 1st respondent in Letter No. R-15025/01/99/SS-II, dt. 10.5.99 clarifying para 12 of the Employment Pension Scheme, quash the same and consequently direct the respondents to pay the petitioner pension at the rate of Rs.835/- per month as provided in para 12 (5) of the Employees Pension Scheme 1995 with effect from 17.10.2001 with interest at the rate of 9% per annum.

Prayer in W.A.No.1403 & 1413 of 2011 :

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 19.07.2010 made in W.P.No.14125 of 2005 praying this court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the clarification issued by the 1st respondent in letter No.R-15025/01/99/SS-II dt:10.5.99 clarifying para 12 of the Employment pension Scheme, quash the same and consequently direct the respondents to pay the petitioner pension at the rate of Rs.885 per month as provided in para 12 (4) of the Employees Pension Scheme 1995 with effect from 11.11.97 with interest at the rate of 9% per annum

Prayer in W.A.No.1404 & 1422 of 2011 :

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 19.07.2010 made in W.P.No.14118 of 2005 praying this court to issue a Writ of Certiorarified Mandamus

calling for the records pertaining to the clarification issued by the 1st respondent in Letter No. R-15025/01/99/SS-II, dt. 10.5.99 clarifying para 12 of the Employment Pension Scheme, quash the same and consequently direct the respondents to pay the petitioner pension at the rate of Rs.835/- per month as provided in para 12(4) of the Employees Pension Scheme 1995 with effect from 16.6.97 with interest at the rate of 9% per annum.

Prayer in W.A.No.1405 of 2011 :

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 19.07.2010 made in W.P.No.14120 of 2005 praying this court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the clarification issued by the 1st respondent in Letter No. R-15025/01/99/SS-II, dt. 10.5.99 clarifying para 12 of the Employment Pension Scheme, quash the same and consequently direct the respondents to pay the petitioner pension at the rate of Rs.835/- per month as provided in para 12 (5) of the Employees Pension Scheme 1995 with effect from 1.8.98 with interest at the rate of 9% per annum.

Prayer in W.A.No.1406 & 1416 of 2011 :

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 19.07.2010 made in W.P.No.14723 of 2005 praying this court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the clarification issued by the 1st respondent in letter No.R-15025/01/99/SS-II dt:10.5.99 clarifying para 12 of the Employment pension Scheme, quash the same and consequently direct the respondents to pay the petitioner pension at the rate of Rs.835 per month as provided in para 12 (4) of the Employees Pension Scheme 1995 with effect from 1.4.01 with interest at the rate of 9% per annum.

Prayer in W.A.No.1407 & 1419 of 2011 :

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 19.07.2010 made in W.P.No.13639 of 2005 praying this court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the clarification issued by the 1st respondent in Letter No. R-15025/01/99/SS-II, dt. 10.5.99 clarifying para 12 of the Employment Pension Scheme, quash the same and consequently direct the respondents to pay the petitioner pension at the rate of Rs.835/- per month as provided in para 12 (5) of the Employees Pension Scheme 1995 with effect from 16.10.2001 with interest at the rate of 9% per annum.

Prayer in W.A.No.1408 & 1428 of 2011 :

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 19.07.2010 made in W.P.No.14722 of 2005 praying this court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the clarification issued by the 1st respondent in letter No.R-15025/01/99/SS-II dt:10.5.99 clarifying para 12 of the Employment pension Scheme, quash the same and consequently direct the respondents to pay the petitioner pension at the rate of Rs.835 per month as provided in para 12 (5) of the Employees Pension Scheme 1995 with effect from 1.5.98 with interest at the rate of 9% per annum.

Prayer in W.A.No.1409 & 1430 of 2010 :

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 19.07.2010 made in W.P.No.14129 of 2005 praying this court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the clarification issued by the 1st respondent in Letter No.R-15025/01/99/SS-II dt. 10.5.99 clarifying para 12 of the Employment Pension Scheme, quash the same and consequently direct the respondents to pay the petitioner pension at the rate of Rs.835/- per month as provided in para 12 (5) of the Employees Pension Scheme 1995 with effect from 1.7.98 with interest at the rate of 9% per annum.

Prayer in W.A.No.1410 of 2011 :

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 19.07.2010 made in W.P.No.23241 of 2002 praying this court to issue a Writ of Certiorarified Mandamus calling for the records of the respondents and quash the letter No.R.15025/01/99/SS 11 dt 10.5.99 of the first respdt communicated to the petnr by the 3rd respdt in his letter No.Tn/Ro/CNI/Rc pension2(1)2000/Part Iv dated 14.9.2001 and direct the rrespdt especially the 4th respdt to pay the petitioner the pension at the rate of Rs.857 as provided in Paragraph 12(5) of the Employee's Pensions Scheme 1995 with effect from 18.10.2000 with interest and damages within a stipulated time.

Prayer in W.A.No.1411 & 511 of 2011 :

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 19.07.2010 made in W.P.No.14128 of 2005 praying this court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the clarification issued by the 1st respondent in Letter No.R-15025/01/99/SS-II dt.

10.5.99 clarifying para 12 of the Employment Pension Scheme, quash the same and consequently direct the respondents to pay the petitioner pension at the rate of Rs.1038/- per month as provided in para 12 (4) of the Employees Pension Scheme 1995 with effect from 1.4.2001 with interest at the rate of 9% per annum.

Prayer in W. A.No.1412 & 1139 of 2011 :

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 19.07.2010 made in W.P.No.13641 of 2005 praying this court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the clarification issued by the 1st respondent in Letter No. R-15025/01/99-SS-II, dt. 10.5.99 clarifying para 12 of the Employment Pension Scheme, quash the same and consequently direct the respondents to pay the petitioner pension at the rate of Rs.835/- per month as provided in para 12 (5) of the Employees Pension Scheme 1995 with effect from 1.4.97 with interest at the rate of 9% per annum.

Prayer in W.A.No.1417 of 2011 :

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 19.07.2010 made in W.P.No.14120 of 2005 praying this court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the clarification issued by the 1st respondent in Letter No. R-15025/01/99-SS-II, dt. 10.5.99 clarifying para 12 of the Employment Pension Scheme, quash the same and consequently direct the respondents to pay the petitioner pension at the rate of Rs.1049/- per month as provided in para 12 (4) of the Employees Pension Scheme 1995 with effect from 1.11.2002 with interest at the rate of 9% per annum.

Prayer in W.A.No.1418 of 2011 :

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 19.07.2010 made in W.P.No.13637 of 2005 praying this court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the clarification issued by the 1st respondent in Letter No. R-15025/01/9-SS-II, dt. 10.5.99 clarifying para 12 of the Employment Pension Scheme, quash the same and consequently direct the respondents to pay the petitioner pension at the rate of Rs.835/- per month as provided in para 12 (5) of the Employees Pension Scheme 1995 with effect from 1.4.2000 with interest at the rate of 9% per annum.

Prayer in W.A.No.1425 & 1398 of 2011 :

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 19.07.2010 made in W.P.No.14127 of 2005 praying this court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the clarification issued by the 1st respondent in letter No.R-15025/01/99/SS-II dt:10.5.99 clarifying para 12 of the Employment pension Scheme, quash the same and consequently direct the respondents to pay the petitioner pension at the rate of Rs.1038 per month as provided in para 12 (4) of the Employees Pension Scheme 1995 with effect from 1.4.2002 with interest at the rate of 9% per annum.

Prayer in W.A.No.1426 & 382 of 2011:

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 19.07.2010 made in W.P.No.14119 of 2005 praying this court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the clarification issued by the 1st respondent in Letter No. R-15025/01/99/SS-II, dt. 10.5.99 clarifying para 12 of the Employment Pension Scheme, quash the same and consequently direct the respondents to pay the petitioner pension at the rate of Rs.1038/- per month as provided in para 12(4) of the Employees Pension Scheme 1995 with effect from 19.07.97 with interest at the rate of 9% per annum.

Prayer in W.A.No.1429 of 2011 :

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 19.07.2010 made in W.P.No.13640 of 2005 praying this court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the clarification issued by the 1st respondent in Letter No. R-15025/01/99/SS-II, dt. 10.5.99 clarifying para 12 of the Employment Pension Scheme, quash the same and consequently direct the respondents to pay the petitioner pension at the rate of Rs.835/- per month as provided in para 12 (5) of the Employees Pension Scheme 1995 with effect from 1.8.98 with interest at the rate of 9% per annum.

THE UNION OF INDIA REP. BY
ITS SECRETARY MINISTRY OF LABOUR SHRAM
MANTRALAYA NEW DELHI.

:No Appearance in all WAS

SPECIAL PROIDENT FUND
COMMISSIONER (PENSION)
ROYAPETTAH HIGH ROAD
CHENNAI-14.

... Mrs.V.J.Latha for EPF in
all WAS

ASSISTANT PROVIDENT FUND
COMMISSIONER (PENSION)

HIGH GROUND THIRUNELVELI. :Mr.V.Ajoy Khose in all WAS
FOR ALL RESPONDENTS :Mr.V.Ajoy Khose in all WAS

C O M M O N J U D G M E N T

(Judgment of the Court was delivered by the Honourable The Chief Justice)

As agreed by the learned counsel for the parties, the writ appeals are disposed of in terms of the orders passed in W.A.No.311 of 2009 dated 10.06.2016. Needless to say, if there is any other cause of action, that is always open to the parties to take recourse. Parties to bear their own costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1 THE SECRETARY
UNION OF INDIA, MINISTRY OF LABOUR SHRAM
MANTRALAYA NEW DELHI.

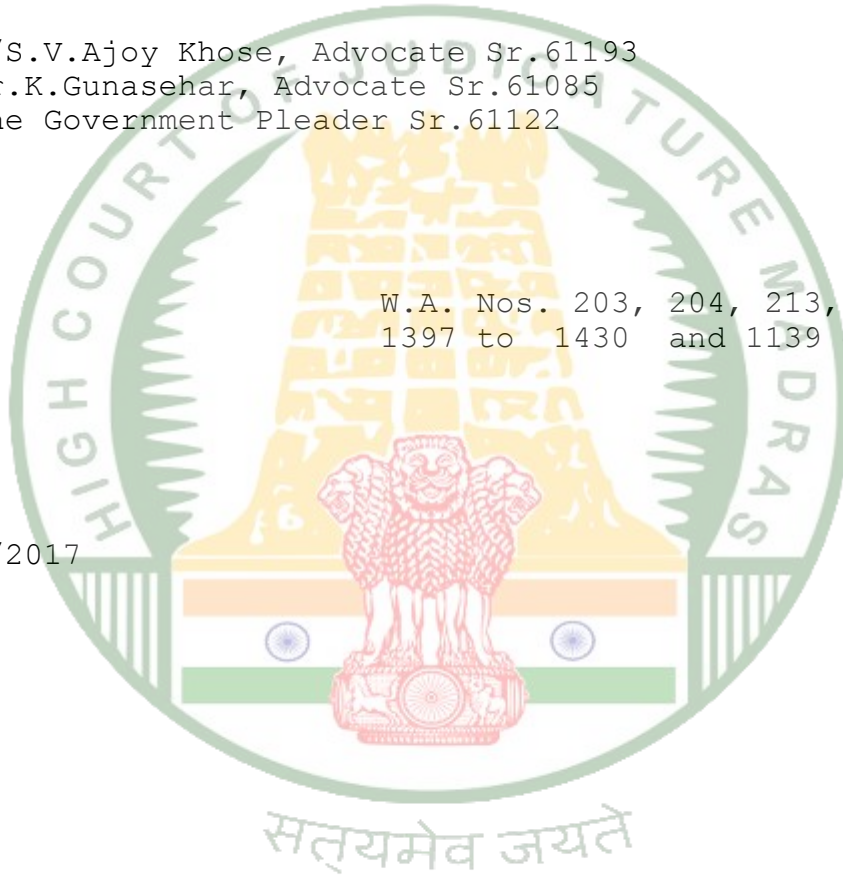
2 THE PROVIDENT FUND COMMISSIONER,
PENSION EMPLOYEES PROVIDENT FUND ORGANISATION,
HEAD OFF BHAVISHYANIDHI BHAVAN,
NO.14, BHIRANI COMPLEX,
NEW DELHI, 110 066.

- 3 THE REGIONAL PROVIDENT FUND
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- 4 ASSISTANT PROVIDENT FUND
COMMISSIONER (PENSION) NO. 10 A/3 ST.
THOMA ROAD HIGH GROUND THIRUNELVELI 627 011.

+1cc to M/S.V.Ajoy Khose, Advocate Sr.61193
+1cc to Mr.K.Gunasehar, Advocate Sr.61085
+1cc to the Government Pleader Sr.61122

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