



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2016

CORAM :

THE HONOURABLE MR.JUSTICE **NOOTY.RAMAMOHANA RAO**

and

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

Writ Appeal (MD) No.840 of 2016

against

WP(MD) No.5537 of 2013

and

C.M.P(MD)No.5103 of 2016

The Assistant Provident Fund Commissioner (Accounts),  
Employees Provident Fund Organisation,  
P.B.No.558, Sree Complex, D.Block,  
Trichirappalli - 620 008. ... Appellant/1<sup>st</sup> Respondent

-Vs-

1.S.Sermadurai ... Respondent/Petitioner

2.Regional Provident Fund Commissioner,  
EPF Organization,  
Sub-Regional Office,  
Tirunelveli. ... Respondents/2<sup>nd</sup> Respondent

Appeal filed under Clause 15 of Letters Patent praying to set aside the order passed by the learned Judge in W.P.(MD)No.5537 of 2013 dated 19.04.2013 and dismiss the Writ Petition.

Prayer in WP(MD). 5537/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to disburse the eligible pension to the petitioner from the date of death of his son Singaraj with 12% interest within a time frame stipulated by this Court.

For Appellant : Mr.VS.Karthi for M/s.V.S.Karthi Associates

For Respondent 1 : Mr.P.Chandra Bose

For Respondent 2 : Mr.K.Murali Shankar

**JUDGMENT**

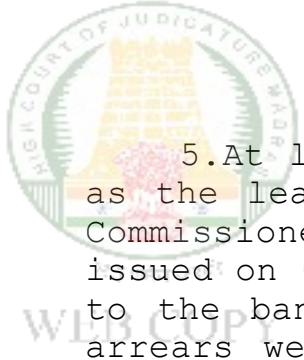
(Judgment of the Court was delivered by **NOOTY.RAMAMOohana RAO, J**)

This appeal is preferred against the judgment and order passed by the learned Single Judge on 19<sup>th</sup> April, 2013 in W.P.(MD)No.5537 of 2013. The learned Single Judge directed to pay pension to the writ petitioner from the date of death of his son and also pay the same with interest with effect from 06.03.2008 at 12%.

2.We have heard the learned counsel for the appellant, Assistant Provident Fund Commissioner as well as the learned Standing Counsel for the Regional Provident Fund Commissioner, Tirunelveli, who lent support to the appellant and the learned counsel for the writ petitioner/first respondent.

3.We are in complete agreement with the reasoning assigned by the learned Single Judge. We share the pain of the writ petitioner, who went round and round in circles requesting for sanction of pension to him as per the Employees Provident Fund Pension Scheme, 1995, due to the death of his son who died on 19.07.2007.

4.The appellant has not realised that most of the workforce in the private sector is drawn from rural areas and consequently, the correct information relating to the right to receive pension under the aforementioned scheme, is not available with them. Firstly, like in the instant case, the trauma that is left behind, due to sudden disappearance of the breadwinner, itself requires lots of character to overcome. That itself consumes considerable amount of time. That explains the reason why on 19.11.2007, for the first time, the writ petitioner laid a claim for pension. The heartless officers of the Employees Provident Fund Organization, which organization has been established for taking care of the welfare and wellbeing of the workforce and their dependents, has not acted with the spirit with which they are expected to act. They kept on delaying the payment of pension on one ground or the other and the only semblance of justification for their conduct was, the fact that the writ petitioner died after rendering only 27 days of service with the contractor of the company. It is no doubt true that false claims, which are too many these days, have to be weeded out carefully, but, in the name of dealing with the suspicious claims, no effort should be spared to settle the pension in a genuine case. Unfortunately, in the instant case, the respondents or the appellant and his officers have kept on returning the proposals for sanction of pension on one ground or the other so that the blame for not settling the pension would not lie at their door step. The essential reason, as we could make out from the evidence, is that the kind of attitude was, lack of appreciation of the pain and suffering of people like the writ petitioner and to ensure that no fault would directly be attributed to themselves.



5. At long last, the learned counsel for the appellant as well as the learned counsel appearing for the Regional Provident Fund Commissioner have pointed out that pension payment order was issued on 08<sup>th</sup> May, 2013 and the first monthly pension was credited to the bank account of the writ petitioner on 27<sup>th</sup> May 2013 and arrears were calculated for the period from 20<sup>th</sup> July, 2007 upto 20<sup>th</sup> April 2013 and they are also credited to the said bank account on 08<sup>th</sup> June, 2013. It is also now brought to our notice that from September, 2014 onwards, the enhanced amount of monthly minimum pension of Rs.1,000/- is being credited to the account of the writ petitioner. In these set of circumstances, while recording our displeasure for the lazy and lethargic attitude exhibited in the guise of weeding out bogus and unjust claims by the appellant and his subordinate officers, we note that any Inspector under the control of the appellant could have got the facts ascertained by physical verification of the necessary records and thus could have saved lot of bother and time. While recording our hope and trust that no such occasion would ever occur in future and also in view of the fact that the writ petitioner after all started receiving his monthly pension was graceful enough to convey that he is not so much interested in receiving interest as well for the delayed payment, we modify the order passed by the learned Single Judge to the extent of directing payment of interest. In all other respects, there is no justification whatsoever, for the delay in the matter of settling the pension as claimed by the writ petitioner promptly.

6. We take this opportunity to require the Regional Provident Fund Commissioner to pass on necessary instructions for a time-bound inspection report to be filed by one Inspector or the other under his administrative control for verifying and vouchsafing the contents of the application and the records maintained by the Employees Provident Fund Organization. That alone would cut away the unnecessary time that would get consumed in settling the benefits under the Employees Provident Fund Act.

7. To the extent indicated supra, the order passed by the learned Single Judge stands modified but in all other respects gets confirmed. This Writ Appeal stands disposed of, accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar



To  
The Regional Provident Fund Commissioner,  
EPF Organization, Sub-Regional Office,  
Tirunelveli.

WEB COPY

+1 CC to Mr.V.S.KARTHI, Advocate, SR No.30080  
+1 CC to Mr.K.MURALI SHANKAR, Advocate, SR No.29914  
+1 CC to Mr.P.CHANDRA BOSE, Advocate, SR No.29927

Writ Appeal (MD) No.840 of 2016  
AGAINST  
WP (MD) No.5537 of 2013  
AND  
& C.M.P (MD) No.5103 of 2016  
13.06.2016

srm  
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