

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2017

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 19500 of 2011

N. Venugopal

..Petitioner

Vs.

1. The Commissioner,
Employees' Provident Fund Organisation,
No.37, Royapettah High Road,
Chennai - 14.

2. The Secretary,
Panimalar Polytechnic College,
23, Railway Colony 2nd street,
Nelson Manikam Road,
Nungambakkam, Chennai.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 2nd respondent to hand over the documents in relation to the Employees' Provident Fund Pension Scheme to the 1st respondent and to disburse the pension by the 1st respondent in a time bound manner to the petitioner.

For Petitioner :: Ms.P. Uma

For Respondents :: Mr.K. Gunasekar, ACGSC for R1
Mr.C.T. Mohan for R2

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O R D E R

The petitioner was employed by the 2nd respondent as a Mechanical Instructor from 01.06.1996 to 30.04.2007, on which date, he retired from service. While working under the 2nd respondent, the petitioner was also enrolled as a member of Employees' Pension Scheme, 1995 and got a computerised Scheme Certificate bearing No. TN/MAS/52905. After retiring from the service of the 2nd respondent, the petitioner submitted his claim in Form No. 10D along with Scheme Certificate, Pass book and other documents in September, 2009 to the 2nd respondent for

availing the benefits under the Provident Fund Pension Scheme. Thereafter, it was sent to the 1st respondent and the petitioner was instructed to follow up the matter with the 1st respondent. When the petitioner approached the 1st respondent, the 1st respondent informed that the 2nd respondent did not submit all the required documents along with the application and that the particulars furnished were not enough to give the benefits under the scheme. Therefore, the petitioner sent a request letter to the 2nd respondent regarding non-availability of documents for which there was no response. Hence, the petitioner sent a notice on 04.07.2011 to the 2nd respondent for non-furnishing of documents and for the said notice, the 2nd respondent sent a reply dated 14.07.2011 stating that he had submitted all the papers to the 1st respondent. However, till date, no action has been taken by the respondents for disbursement of pension to the petitioner and therefore, the petitioner has come before this Court.

2. Heard Ms.P. Uma, learned counsel for the petitioner and Mr.K. Gunasekar, learned Additional Central Government Standing Counsel for the 1st respondent and Mr.C.T. Mohan for the 2nd respondent.

3. Mr.K. Gunasekar, learned Additional Central Government Standing Counsel for the 1st respondent would submit that though Form No. 10D was received by the 1st respondent from the 2nd respondent, all the details were not filled up and therefore, the form was returned to the petitioner directly. Therefore, the petitioner has to submit the application along with the relevant details.

4. However, learned counsel for the petitioner would submit that the details and other required documents for processing Form No.10D for getting the benefits are only with the 2nd respondent College.

5. At this juncture, though Mr.C.T. Mohan, learned counsel for the 2nd respondent would submit that the 2nd respondent is ready and willing to provide all the details required, the 2nd respondent should have given all the details while forwarding Form No. 10D submitted by the petitioner. In any event, since the 1st respondent is ready to process Form No. 10D, provided the petitioner gives all the details, the petitioner is directed to approach the 2nd respondent College and the 2nd respondent College is directed to provide all the required details and material documents to be filed along with Form No. 10D for getting pension and on the petitioner submitting the claim application to the 2nd respondent within a

period of two weeks from the date of receipt of a copy of this order, the 2nd respondent is directed to send the same to the 1st respondent within one week thereon and on receipt of the petitioner's application along with required documents and other details, the 1st respondent is required to process Form No.10D of the petitioner and grant benefits within four weeks therefrom. The writ petition is disposed of accordingly. No costs.

-Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The Commissioner,
Employees' Provident Fund Organisation,
No.37, Royapettah High Road,
Chennai - 14.

2. The Secretary,
Panimalar Polytechnic College,
23, Railway Colony 2nd street,
Nelson Manikam Road,
Nungambakkam, Chennai.

+ 1 cc to MR.K.Gunasekar, Advocate Sr.No.18424
+ 1 cc to Mrs.P.Uma, Advocate Sr.No.18151
+ 1 cc to Mr.C.T.Mohan, Advocate Sr.No.18067

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SVI (CO)

RRI 11/04/2017

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