HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.20856 OF 2004

ORDER

Heard Sri D.Linga Rao, learned counsel appearing for the petitioners and Sri Nandigam Krishna Rao, learned Standing Counsel appearing for respondent Nos.2 and 3.

This writ petition is filed seeking a Writ of Mandamus declaring that the petitioners are entitled for release of pension under Coal Mines Provident Fund Scheme, 1998 (for short 'new scheme'), to which the petitioners opted and consequently to direct the respondent-Company to pay pension to the petitioners in terms of the said new scheme.

Learned counsel appearing for the petitioners submits that the petitioners were employees of Singareni Collieries Company Limited and after rendering considerable length of service, they retired from service during 1996 & 1997. Learned counsel further submits that new scheme has come into force with effect from 31.10.1998 and that since the petitioners retired from service prior to the said scheme, their cases were not considered for grant of pension under the new scheme and that while they were in service, a circular was issued asking option under the new scheme, and accordingly, they opted the new scheme, but the pension was not released.

Learned Standing Counsel appearing for respondents 2 and 3 submits that the new scheme, which was opted by the petitioners, has come into force with effect from 31.10.1998 i.e., prior to the retirement of the petitioners and as per the new scheme, the petitioners have to pay the amounts due to the Coal Mines Pension Fund through Demand Draft as stipulated under Clause-4 (2B) and sub-clause 4 of the new scheme, but the petitioners have not paid the same and therefore, they are not eligible to the benefits of the said scheme .

I have heard the rival submissions made by the learned counsel on either side.

Admittedly, the petitioners have not paid their contributions in terms of the new scheme. If the petitioners paid their contributions to the Coal Mines Provident Fund as stipulated under Clause-4 (2B) and sub-clause 4 of the new scheme, then the petitioners would automatically eligible for grant of pension under the new scheme.

Therefore, the petitioners are directed to pay their contributions towards Coal Mines Provident Fund in terms of Clause-4 (2B) and sub-clause 4 of the scheme. On such payments being made by the petitioners, the respondent-Company is directed to release pension to the petitioners, as

per the new scheme, within a period of two months from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

26th December, 2017
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