

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI
W.P.No.22697 of 2018

M.Rajangam

...Petitioner

..vs..

1. Regional Provident Fund Commissioner
Office of the Regional Provident Fund
Sathuvachari Phase III Housing Board
Vellore.

2. The Management
T.V.Malai District Consumer Cooperative
Wholesale Sales Ltd
Gandhinagar, Lakshmipuram
T.V.Malai 606601

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents to pass appropriate orders on the representation dated 18.09.2017 for payment of pension on the actual contribution made to the account No.TN/2811/439.

For Petitioner : Ms.Vasudha Thiagarajan

O R D E R

The petitioner has come forward with this Writ Petition seeking for a direction to the respondents to consider and take decision on the representation of the petitioner dated 18.09.2017 for payment of pension on the actual contribution.

2. The case of the petitioner is that after rendering service in the second respondent Society, he was superannuated on 31.05.2007. He was covered under the Employees Provident Fund and Miscellaneous Act and was making contribution towards E.P.F at the rate of 12% of his actual salary. It is further stated that the Hon'ble Supreme Court in the Civil Appeal Nos.10013 to 10014 of 2016 on 04.10.2016, have held that when the contribution towards E.P.F. is on 12% of the actual salary, even if above the ceiling limit, then the benefit should be given to the employees. In view of the aforesaid Judgment, the petitioner has made a representation to the respondents on 18.09.2017 seeking to pay pension on the contribution 12% of the actual salary. Since, no order has been passed till date, the

petitioner has come forward with this Writ Petition seeking for a direction to the respondents to pass appropriate order on his representation.

3. Heard Ms.Vasudha Thiagarajan, the learned counsel for the petitioner, who would submit that a direction be issued to the first respondent to consider and pass orders on the representation of the petitioner dated 18.09.2017, within a stipulated period.

4. In view of the limited nature of relief sought for by the petitioner, this Court is of the view that no useful purpose is going to be served in issuing notice to the respondents, seeking counter/reply affidavit from the respondents, before disposal of the Writ Petition, inasmuch as grant of the relief sought for without any notice to the first and second respondents going to cause no prejudice to them.

5. Accordingly, this Writ Petition is disposed of at the stage of admission with a direction to the first respondent to take an informed and considered decision on the representation of the petitioner dated 18.09.2017, on merits and in accordance with law, if the same is pending, within a period of eight weeks from the date of receipt of a copy of this order, if there is no other legal impediment. However, it is made clear that the direction of this Court should not be treated as a mandate to dispose of such representation in any particular manner.

6. With the aforesaid direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

arr

To

Regional Provident Fund Commissioner
Office of the Regional Provident Fund
Sathuvachari Phase III Housing Board
Vellore.

+1cc to Mr.R.Thiagarajan, Advocate, S.R.No.60793

W.P.No.22697 of 2018

CA(CO)

rrs 11/10/2018



03.09.2018

सत्यमेव जयते

WEB COPY