

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-04-2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28664 of 2017

P.Venugopal

... Petitioner

Vs.

The Commissioner,
Employees Provident Fund Organization,
Sub Regional Office,
Jayalakshmi Plaza,
1st and 2nd Floor,
Anna Salai,
Swarnapuri,
Salem-636 004.

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondent to consider the representation of the petitioner dated 3.11.2016.

For Petitioner : Mr.M.Muthusamy

For Respondent : Mr.R.Thirunavukkarasu

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondent to consider the representation of the petitioner dated 3.11.2016.

2. The petitioner was employed as a Lab Technician in the Salem District Co-operative Milk Producer Union Limited, Salem and retired from service on 17.7.2008 on his attaining the age of superannuation. The petitioner is receiving pension from the Office of the respondent in PPO No.T.N./SLM/24763 and at the time of submitting an application, the writ petitioner has entered the names of his wife and son as nominees. Subsequently, the petitioner obtained an order of dissolution of marriage on 14.11.2014 and thereafter, for modification of nomination to enter the name of his son alone, he made a representation to the respondent-Office on 3.11.2016.

3. Clause 61 (5) of the Employees' Provident Fund Scheme, 1952 enumerates that "a nomination made under sub-paragraph (1) may at any time be modified by a member after giving a written notice of his intention of doing so in Form (2) annexed hereto. If the nominee predeceases the member, the interest of the nominee shall revert to the member who may make a fresh nomination in respect of such interest".

4. The Employees' Provident Fund Scheme is unambiguous in respect of modification of nominees by the pensioner. In the present case, the writ petitioner is a pensioner receiving pension from the respondent-Office. Therefore, he is entitled to modify the nominations already made jointly in favour of his wife and son. Now the petitioner is willing to modify the nomination only by entering the name of his son alone and the same deserves to be considered in accordance with the Clause stipulated in the Employees' Provident Fund Scheme, which is cited supra.

5. In the light of the abovesaid provisions, the writ petitioner is directed to submit a fresh representation and the relevant documents along with the order passed in this writ petition, within a period of three weeks from the date of receipt of a copy of this order and on receipt of any such representation from the writ petitioner, the first respondent is directed to consider the same and pass orders on merits and in accordance with law, within a period of 12 weeks thereafter.

6. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

Svn

To

The Commissioner, Employees Provident Fund Organization,
Sub Regional Office, Jayalakshmi Plaza,
1st and 2nd Floor, Anna Salai, Swarnapuri, Salem-636 004.

+ 1 cc to M/s. M. Muthusamy, Advocate Sr.26337

+ 1 cc to M/s. R.Thirunavukkarasu, Advocate Sr.26681

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PPA (CO)

EU (25/04/2018)