



WEB COPY



W.P.No.19015 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.09.2024

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THE HON'BLE **MRS.JUSTICE R.N.MANJULA**

W.P.No.19015 of 2024

S.Bashyam

... Petitioner

Vs.

1. The Commissioner,
Employees Provident Fund Organisation,
Regional Office, 37, Royapettah High Road,
Chennai – 600 014.

2. Assistant Provident Fund Commissioner (Accts),
Employees Provident Fund Organisation,
Regional Office, 37, Royapettah High Road,
Chennai – 600 014.

3. Assistant Provident Fund Commissioner (Pension),
Employees Provident Fund Organisation,
Regional Office, 37, Royapettah High Road,
Chennai – 600 014.

2. Regional Provident Fund Commissioner-I,
Employees Provident Fund Organisation,
Regional Office, 37, Royapettah High Road,
Chennai – 600 014. . .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st and 4th respondents to consider and dispose of the petitioner's representation dated 31.07.2023, 16.08.2023 and 24.04.2024 and pay higher pension under the



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Provident Fund pension scheme in obedience to the directions of the Hon'ble Supreme Court of India, reported in 2022 SCC OnLine SC 1521 (Employees Provident Fund Organisation and Ors. Vs. Sunil Kumar and Ors) dated 04.11.2022.

For Petitioner : Mr.C.K.Chandrasekhar

For Respondents : Mr.R.Vishnu
Standing Counsel for EPFO

ORDER

The petitioner has filed this writ petition seeking a direction to the 4th respondent to consider and dispose of his representations dated 31.07.2023, 16.08.2023 and 24.04.2024 and pay higher pension under the Provident Fund Pension Scheme in terms of the judgment of the Hon'ble Supreme Court of India, in ***Employees Provident Fund Organisation and Ors. Vs. Sunil Kumar and Ors*** dated 04.11.2022 [reported in 2022 SCC OnLine SC 1521].

2. The petitioner who claims to be the beneficiary under the Employees Provident Fund Scheme has submitted that on 01.01.2012 he was sanctioned with the pension of Rs.2,050/- per month under the Employees Provident Fund Scheme. Thereafter, on an application filed



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by the petitioner dated 25.01.2018, he sought revised pension. Though the same has also been granted, suddenly on 29.03.2021, the 3rd respondent issued a letter stating that the petitioner is entitled to get only Rs.2,050/- per month and not the revised pension of Rs.8,817/- in view of the pendency of the case in ***Employees Provident Fund Organisation and Ors. Vs. Sunil Kumar and Ors.***, before the Hon'ble Supreme Court. But however, on 04.11.2022, the Larger Bench of the Hon'ble Supreme Court has settled the issue and now the petitioner claims that he comes under the benefit of the said order and he had made representations in this regard.

3. *Per contra*, the learned counsel for the respondents submitted that the petitioner will not come under the purview of the above said order as he has retired from service in the year 2012, without exercising any option under Section 11(3) of the Pension Scheme. Whatever may be the case, the representation of the petitioner has not been considered and no order has been passed in this regard so far.

4. Therefore, the Writ Petition is allowed and the 4th respondent is directed to consider the petitioner's representations dated 31.07.2023,



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16.08.2023 and 24.04.2024 and pass orders in the light of judgment of the

Hon'ble Supreme Court in the ***Employees Provident Fund Organisation***

and Ors. Vs. Sunil Kumar and Ors., within a period of four weeks from

the date of receipt of a copy of this order. No Costs.

18.09.2024

Speaking / Non Speaking order

Index : Yes / No

Neutral Citation: Yes/No

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R.N.MANJULA, J.

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