

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2018

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.29508 of 2018

G.Narayanasamy

... Petitioner

Versus

1. The Regional Provident Fund Commissioner
Employees Provident Fund Organization
Post Box No.588, Sree Complex D Block
No. 18, Madurai Road, Trichy-620 008.
 2. The Assistant Provident Fund Commissioner (Pension)
No. 40 A, Housing Board Complex
Mogappair Road,
Mogappair East, Chennai-600 037.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issue a Writ of Mandamus, to consider the representations of the petitioner dated 10.07.2018, 22.08.2018 and 08.09.2018 and consequently direct the respondents to re-fix the pension of the petitioner taking into account the actual pay drawn by the petitioner in light of the judgment of the Supreme Court in Special Leave Petition No. 33032-33033 of 2015 dated 04.10.2016, grant all arrears of pension within a time frame fixed as by this Court.

For Petitioner : Mr.C.Vigneshwaran

For Respondents: Mr.J.Sathyanarayana Prasad
Standing Counsel for E.P.F.

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O R D E R

According to the learned counsel for the petitioner, petitioner made a representation to the first respondent for fixing revised higher pension to the petitioner on the basis of the records sent by his employer and the order passed by the Honourable Supreme Court, dated 4.10.2016 in the case of R.C.Gupta & Ors. Etc. Vs. Regional Provident Fund Commissioner, Employees Provident Fund Organization & Ors. Etc. in Civil

Appeal No.10013-10014 of 2016 arising out of SLP.(C) No.33032-33033 of 2015. But till date, the respondent has not any orders in the aforesaid representation despite the fact that the petitioner has made several representations, dated 10.07.2018, 22.8.2018 and 08.09.2018. The petitioner has also filed acknowledgement due before this Court for the representation, dated 22.08.2018 sent to the first respondent. Therefore, the petitioner has filed the present writ petition to consider the representation of the petitioner, dated 22.8.2018.

2. Mr.J.Sathyanarayana Prasad, learned Standing counsel has taken notice for the respondents 1 and 2, would submit that the first respondent will consider the said representation on merits and in accordance with law.

3. In view of the submission made by the learned Standing counsel appearing for the respondents, without expressing any opinion on merits, the first respondent is directed to consider the petitioner's representation, dated 22.8.2018 on merits and in accordance with law, as expeditiously as possible preferably within the period of 12 weeks from the date of receipt of copy of the order.

Writ petition is disposed of with the above directions.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gbi/vaan

To

1. The Regional Provident Fund Commissioner
Employees Provident Fund Organization
Post Box No.588, Sree Complex D Block
No. 18, Madurai Road, Trichy-620 008.
2. The Assistant Provident Fund Commissioner (Pension)
No. 40 A, Housing Board Complex
Mogappair Road,
Mogappair East, Chennai-600 037.

+1cc to Mr.C.Vigneswaran, Advocate, S.R.No. 77562

+1cc to Mr.J.Sathya Narayanan Prasad, Advocate, S.R.No. 77590

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(07/01/2019)

W.P.No.29508 of 2018

PP(CO)
GN(18/12/2018)