



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2018

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) Nos.12001, 12002 & 12003 of 2018

K.Sivaraj : Petitioner in W.P(MD).No.12001 of 2018
T.Selvam : Petitioner in W.P(MD).No.12002 of 2018
V.K.V.K.Pandeeswaran : Petitioner in W.P(MD).No.12003 of 2018

Vs.

1. The Commissioner,
Employment Provident Fund Organization,
Bhavishya Nidhi Bhawan,
No.14, Bhikarji Cama Place,
New Delhi 110066.
2. The Regional Provident Fund Commissioner (Pension)
Regional Employment Provident Fund Organization,
No.2, Lady Doak College Road,
Madurai.
3. M/s.Fenner (I) Limited, Madurai
Rep by its Manager,
No.3, Melakkal Road,
Madurai.

:Respondents in all writ petitions

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the second respondent to pay the revised pension to the petitioners, by extending the benefit of amended Clause 11(3) of Section 6A of the Employment Pension Scheme, 1995, by disposing their representations dated 30.01.2018, 06.02.2018 & 06.02.2018 in the light of the judgment dated 04.10.2016 made in R.C.Gupta & others Etc. Vs. Regional Provident Fund Commissioner Employees Provident Fund Organization & others Etc by the Hon'ble Supreme Court.

In all writ petitions

For Petitioners : Mr.R.Suriyanarayanan

For R-1 & R-2 : Mr.VSV.Venkateswaran

**COMMON ORDER**

Heard Mr.R.Suriyanarayanan, learned counsel appearing for the petitioners, Mr.VSV.Venkateswaran, learned counsel, who takes notice on behalf of the respondents 1 and 2.

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2.By consent of both parties, these writ petitions are taken up for final disposal at the stage of admission itself.

3.It is the grievance of the petitioners that their representation, to pay the revised pension to them, has not been considered by the second respondent till date and therefore, has filed the present writ petition.

4.This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or other. Non consideration of the same would amount to dereliction of their ordinary duties of their office and as such this Court would be justified in invoking its powers under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5.In view of the limited prayer sought for in these writ petitions, there shall be a direction to the second respondent to consider the petitioners' representations, on its own merits and take further action in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Such an exercise shall be done, after giving due opportunity to the petitioners as well as the third respondent.

6.With the above direction, these writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Employment Provident Fund Organization,
Bhavishya Nidhi Bhawan,
No.14, Bhikarji Cama Place,
New Delhi 110066.



2. The Regional Provident Fund Commissioner (Pension)
Regional Employment Provident Fund Organization,
No.2, Lady Doak College Road,
Madurai.

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+3cc to Mr.R.Suriyanarayanan, Advocate Sr.No.67207

RMK

VB/SV/SAR1/14.06.2018/3P/6C

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12003 of 2018
06.06.2018**