



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2018

C O R A M

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD)No.18483 of 2018

P.Asaithambi

... Petitioner

Vs.

The Regional Provident Fund Commissioner (Pension),
Regional Provident Fund Organisation,
Lady Doak College Road,
Madurai-625 002,
Tamil Nadu.

... Respondent

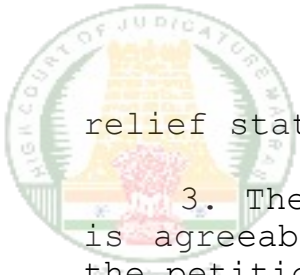
PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, to direct the respondent to disburse full pension on his actual salary to the petitioner based on the petitioner's representation dated 13.12.2017 under Clause 11 (3) of the Employees' Pension Scheme, 1995, as per its paragraph 26 (6) r/w Circular No.Pen-1/12/33/EPS Amendment /96 No.1:11 dated 23.03.2017 of the Employees' Provident Fund Organisation Head Quarters and the Order passed by the Hon'ble Supreme Court of India in Civil Appeal No(s).10013-10014 of 2016 (*Arising out of SLP @ No.33032-33033 of 2015*) dated 04.10.2016, in the case of R.G.Gupta & Ors etc., -vs- Original Provident Fund Commissioner Employees Provident Fund Organisation & Ors etc., on receipt of remittance of amount due to the pension fund under the Act.

For Petitioner : Mr.P.R.Kovilan
For Respondent : Mr.V.S.V.Venkateswaran

O R D E R

The petitioner has come forward with the present writ petition with the prayer to direct the respondent to disburse full pension on his actual salary to the petitioner based on the petitioner's representation dated 13.12.2017 under Clause 11 (3) of the Employees' Pension Scheme, 1995.

2.The case of the petitioner is that the Petitioner retired from the respondent Organisation on 09.05.2014. Since his full pension as per Clause 11(3) of the Employee's Pension Scheme, 1995, has not been disbursed to him, he has submitted a representation on 13.12.2017 in this regard and since the said representation did not evoke any response, the petitioner is before this Court with the



relief stated supra.

3. The learned counsel for the respondent would submit that it is agreeable for the respondent to consider the representation of the petitioner and pass orders thereon.

WEB COPY

4. In view of the above submission, the respondent is directed to consider the representation of the petitioner, dated 13.12.2017 and to pass appropriate orders on the same within a period of six weeks from the date on which a copy of this order is made ready, if there are no other legal impediments to do so. However, it is made clear that the petitioner may work out his remedy before the appropriate forum, in case any adverse orders are passed.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/
Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar (CS-I)

TO
The Regional Provident Fund Commissioner (Pension),
Regional Provident Fund Organisation,
Lady Doak College Road,
Madurai-625 002,
Tamil Nadu.

+1cc to Mr.P.R.Kovilan, Advocate, SR.No.84475

W.P. (MD) No.18483 of 2018
17.09.2018

TA
KK/SV/SAR-1/31.10.2018/2P-3C