



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2018

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.19969 of 2018

and

W.M.P (MD) NO.17767 of 2018

S.Petchiammal

.. Petitioner

Vs.

1.The Assistant Provident Fund Commissioner,
Employee's Provident Fund Organization,
No.1, Lady Doak College Road,
Madurai - 625 002.

2.The Section Superintendent,
Employee's Provident Fund Organization,
No.1, Lady Doak College Road,
Madurai - 625 002.

.. Respondents

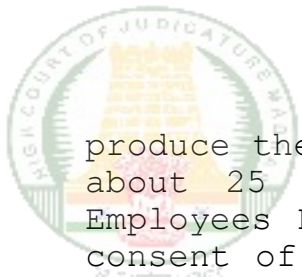
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the second respondent in No.TN/MDU/RO/29083A/243/A(B)/Accounts/2017, dated 23.5.2017 and to quash the same as illegal and consequently direct the respondents to pay the Petitioner the pension from the date of her eligibility along with interest within the time limit stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.K.Murali Shankar
1 and 2

O R D E R

This Writ Petition has been filed, for issuance of a writ of Certiorarified Mandamus to quash the impugned order passed by the second respondent in No.TN/MDU/RO/29083A/243/A(B)/Accounts/2017, dated 23.5.2017 and consequently direct the respondents to pay the Petitioner the pension from the date of her eligibility along with interest within the time limit stipulated by this Court.



produce the details of the husband, who is said to be missing for about 25 years, whereas, in column 9 of the form meant for Employees Pension Scheme, it has been mentioned that ''dead''. By consent of both parties, the main Writ Petition is taken up for final disposal at the stage of admission itself.

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3.The case of the Petitioner is that she is a cancer patient and that she has contributed towards pension scheme and that when persons suffers from permanent disablement in terms of Para 15 of the Employees Pension Scheme, 1995, the life-time member is eligible to the pension. For the sake of convenience, Para 15 is extracted hereunder:

''15.Benefits on permanent and total disablement during the service.---(1) A member, who is permanently and totally disabled during the employment shall be entitled to pension as admissible under sub-paragraphs 2 to 5 of paragraph 12 as the case may be subject to a minimum of Rs.250-/ per month notwithstanding the fact that he/she has not rendered the pensionable service entitling him/her to pension under paragraph 12 provided that she/he has made at least one months's contribution to the Pension Fund.

(2)The monthly member's pension in such cases shall be payable from the date following the date of permanent total disablement and shall be tenable for the life-time of the member.

(3)A member applying for benefits under this paragraph shall be required to undergo such medical examination as may be prescribed by the Central Board to determine whether or not he or she is permanently and totally unfit for the employment which he or she was doing at the time of such disablement.''

4.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5.The Petitioner has contributed towards Provident Fund. Whether the husband is alive or not is not relevant for the present, as the Petitioner is alive. Taking note of the fact that the Petitioner has contributed towards Employees Provident fund and she is the beneficiary in terms of Paragraph 15 of the above scheme, extracted supra, the Petitioner would be entitled to the pensionary benefits which shall be paid every month commencing from October 2015.

6.Accordingly, the Writ Petition is allowed and the impugned order passed by the second respondent, dated 23.05.2017 is set aside and the respondents are directed to sanction the eligible



pension to the Petitioner and arrears if any to be paid, shall be paid within 15 days from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS-III)

To:

1. The Assistant Provident Fund Commissioner,
Employee's Provident Fund Organization,
No.1, Lady Doak College Road,
Madurai - 625 002.

2. The Section Superintendent,
Employee's Provident Fund Organization,
No.1, Lady Doak College Road,
Madurai - 625 002.

+1 CC To MR.M.JERIN MATHEW, Advocate SR. NO.86786

+1 CC To MR.K.MURALI SANKAR, Advocate SR. NO. 86349

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VSN

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