



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.9585 of 2006
and W.M.P.No.1843 of 2008

Uma Maheswari

.. Petitioner

Vs.

- 1.The Assistant Provident Fund Commissioner
Employees Provident Fund Organization,
Sub-Regional Office,
LTC Road, Madurai 625 002.
- 2.The Assistant Provident Fund Commissioner,
Regional/Sub-Regional Office,
Trichy 621 005.
- 3.Rangalatchumi Educational Trust,
Rep. By its Chairperson,
3rd street, RR Colony,
Ashok Nagar,
Chennai 600 083.

.. Respondents

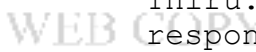
Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 1 and 2 to pay full family pension to the petitioner along with interest @ 15% p.a. from the date of death of the petitioner's husband with all consequential benefits.

For Petitioner : Mr.Alagu Goutham
for M.Muthappan

For RR1 & 2 : Mr.V.J.Latha

O R D E R

The petitioner has come out with the present Writ Petition seeking for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to pay full family pension to the petitioner together with interest at the rate of 15% per annum from the



2. According to the petitioner, her husband Thiru.K.Balachandran was a permanent employee of the 3rd respondent and he was paid Rs.8,550/- as salary with effect from 01.06.2001. Due to chronic renal failure, he died on 29.10.2003. The petitioner's husband while in service contributed to Provident Fund and the 3rd respondent/employer of her husband also contributed equal amount for Employees Provident Fund. The petitioner is entitled to full family pension. The 3rd respondent by an order dated 21.06.2004 sanctioned a sum of Rs.2,006/- to the petitioner and a sum of Rs.502/- to the minor son, as family pension. According to the petitioner, she is entitled for payment of full pension. The respondents 2 and 3 have sanctioned monthly family pension without taking into consideration the fact that the petitioner's husband was a permanent employee of 3rd respondent and he continued in service till his death and prayed for allowing the Writ Petition.

4. From the materials on record, it is seen that the petitioner's husband as well as the employer had contributed amounts to the Provident Fund Scheme and therefore, the petitioner is entitled to family pension as per Paragraph No.16 (1)(a) of the Employees Family Pension Scheme. As per Paragraph No.16(2)(a) of the said Scheme, the petitioner is entitled to family pension as if her husband was retired on the date of his death and petitioner is entitled to Rs.450/- per month or the amounts mentioned in the Table 'C' of the Scheme, whichever is more. As per Table 'C', the petitioner is entitled to Rs.2,051/- and the minor son is entitled to Rs.513/- as family pension. In the present case, the 3rd respondent has sanctioned family pension of Rs.2,006/- to the petitioner and Rs.502/- to her minor son. The petitioner has not stated in the affidavit filed in support of the above Writ Petition what is the full family pension payable to her. The learned counsel for the petitioner, relying on Table 'C' of the Employees Family Pension Scheme contended that the petitioner is entitled to family pension of Rs.2,051/- and her minor son is entitled to Rs.513/-. The said contention has considerable force. In view of Table 'C' of the Scheme, the petitioner is entitled to family pension of Rs.2,051/-. As per paragraph No.16(3)(b) of the Scheme, the minor child is entitled to 25% of the family pension applicable to the widow. Applying the said provision, the minor child is entitled to Rs.513/-. The respondents 1 and 2 have granted only Rs.502/- to the minor son. The minor is entitled to Rs.513/-.



The respondents 1 and 2 are directed to pay the balance amount of Rs.45/- and Rs.11/- to the petitioner and her minor child respectively from the date of death of the petitioner's husband together with interest at the rate of 12% per annum as per Paragraph No.17 (a) of the Employees Family Pension Scheme. As per Paragraph No.16(3)(c) of the said Scheme, the monthly children pension shall be payable until the child attains the age of 25 years.

5. With the above direction, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

gsa

To

1. The Assistant Provident Fund Commissioner
Employees Provident Fund Organization,
Sub-Regional Office,
LTC Road, Madurai 625 002.

2. The Assistant Provident Fund Commissioner,
Regional/Sub-Regional Office,
Trichy 621 005.

+1cc to Mr.V.J.Latha, Advocate SR.No.54845

+1cc to Mr.M.Muthappan, Advocate SR.No.55389

W.P.No.9585 of 2006

NMI (CO)
GMY (05/08/2019)