

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 24.04.2019

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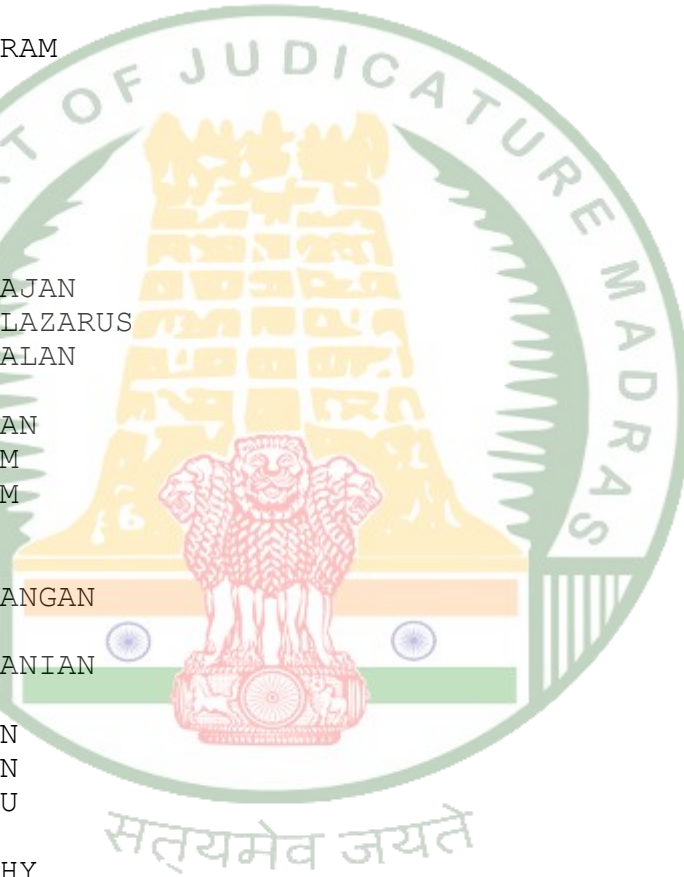
THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.Nos.3528 to 3531 & 29922 of 2018 and
335 of 2019

W.M.P.NOs.4318 to 4321, 4323 to 4326, 4328 to 4331, 4333 to
4336, 34934, 34937, 34941, 34944, 34946 of 2018 and 333, 335,
338, 340 and 343 of 2019

1 M.MASILAMANI,
2 D. AARON JAYAKAR
3 S. KASTHURI
4 M. ANANADHAN
5 K.V. SARASWATHI
6 P. JOTHISRIDHARAN
7 V. VARATHAMMAL
8 K. JAYAHARAN
9 A.S. SUBRAMANIAN
10 L. PASUPATHY
11 L. ANNABUSHANAM
12 G. VASUGI
13 F. ANTHONY JAYAKUMAR
14 RANJANMOHAN
15 N. KALAIARASI
16 N. JAYARAMAN
17 C. GANESAN
18 K. GNANASEKARAN
19 P. SRINIVASAN
20 V. ANTHONY JEBARAJ
21 A.PANNEERSELVAM
22 P. PATHIMA AROKIASAMY
23 V. GOVINDARAJ
24 A.DAMODHARAN
25 KARUPPAIAH
26 C. KRISHNAN
27 K. KARUNAKARAN
28 R. LAKSHMIKUMAR
29 A.MANI
30 S. MURAGAMMAL
31 C. K. MURALIDHARAN
32 A.PADMANABHAN
33 G. HARI
34 G. BALASUNDARAM
35 A. JOHN
36 S. GUNASEKARAN

37 M. CHANDAN
38 S. SIGAMANI
39 K. SHANMUGAM
40 KALYANI SIVASAMY
41 R. KUMARAN
42 P. BALAKRISHNAN
43 S. RANI
44 K. DURAISWAMY
45 K. V. MAHALINGAM
46 V. RAJESWARI
47 M. ADIKESAVAN
48 P. JAYARAMAN
49 G. RAMAIAH
50 M. DEIVASUNDARAM
51 C. VEERASWAMY
52 C. PONNAN
53 S. JOSEPH
54 J. ETHIRAJ
55 SAMSON ISAAC
56 V. THAVAMANI
57 P. S. THIAGARAJAN
58 P. JAYASINGH LAZARUS
59 K. DHEENATHAYALAN
60 A.MATHIALAGAN
61 K. RAMAKRISHNAN
62 M. JEEVANANDAM
63 G. POOSALINGAM
64 P. ARJUNAN
65 C. JAYARAMAN
66 M.P. MOHANA RANGAN
67 S. DHARMAN
68 K. BALASUBRAMANIAN
69 R. KUPPUSAMY
70 M. NEELAKANTAN
71 S. SUNDARRESAN
72 V. SWAMIKKANNU
73 S. ANJALI
74 M. SATHYAMURTHY
75 E. RAMASWAMY
76 D. KALIYAPPAN
77 E. KRISHNAMOORTHY
78 P. ARUMUGHAM
79 J. SHANMUGAM
80 N. KANNIAPPAN
81 S. RAJAMANI
82 B. RAMAKRISHNAN
83 V. CHITHIRAI
84 V. SIVAMANI
85 A.LALITHA
86 N. MEGARANI



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87 D. DORAIRAJ
88 S. PRASAD
89 D. SIVARAJ
90 P. RAJAMANNAR AGE 67
91 P. ANTHONIDOSS AGE 67
92 P. SWAMINATHAN AGE 66
93 R. SAMBANDAM AGE 71
94 K. SWAMINATHAN AGE 64
95 K. VARATHAN AGE 64

... PETITIONERS IN W.P.NO.3528 OF 2018

1 P. PARVATHY
2 K. MOHAN
3 P. SENTHAMARAI
4 K. JAGANNATHAN
5 M. PONNURANGAM
6 K. MOHANKUMAR
7 S. BALAKRISHNAN
8 R. NARASIMHAN
9 M. ARUMUGAM
10 M. BALAKRISHNAN
11 S. MURUGAN
12 A. MOHAN
13 P. ANBURAMAN
14 P. RAJU
15 KABALI C.
16 G. INDIRA
17 M. VIJAYAKUMAR
18 M. RAJENDRAN
19 R. JAYARAMN
20 V. S. VISWANATH
21 P. MOHANASUNDARAM
22 S. RAMU
23 J. JEHAN MOHAN
24 G. MURTHY
25 N. SUBRAMANIYAN
26 A. SARANGAPANI
27 G. DAYANIDHI
28 M. MALLIGARAJ
29 A. C. DHASARATHAN
30 S. RAMAKRISHNAN
31 R. RAJAM
32 R. BALADANDAYUDAPANI
33 V. CHANDRASEKARAN
34 P. PALINIYANDI
35 T. KODANDARAMAN
36 C. MOHAN
37 K. SUKUMARAN
38 A. VALLIAMMAI
39 N. JAYASEELAN



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40 P. SHANMUGAM
41 P. CHINNAKOLANDAI
42 P. MAHALINGAM
43 V. BALU
44 K. R. PURUSHOTHUMAN
45 P. MUNIRAJULU
46 N. SUBRAMANI
47 R. MUTHAIAH
48 V. KIRIJA
49 S. JEYAKUMAR
50 E. T. KALYANAKUMAR
51 G. AMALANATHAN
52 I. TURABUDDINKHAN
53 M. SUGUNA
54 P. ETHIRAJ
55 S. THIRUGNANAM
56 V. CHINNAYAN
57 K. MUTHUSWAMY
58 P. R. SETTU
59 K. SIVPRAKASAM
60 D. NATARAJAN
61 P. SANJIVEE
62 C. SUBRAMANI
63 R. SELVARAJ
64 N. SILAMBAN
65 R. VASANTHA
66 N. KATHAVARAYAN
67 J. THAVAMANI
68 A. NOOR MOHAMED
69 RAMAIAH
70 K. KALIYAN
71 A. SAMIYAPPA
72 P. RAJAVELU
73 T. RAJAKUMARI
74 P. DANDAPANI
75 N. NAGAPPAN
76 M. UTHIRAPATHY
77 C. GURUPATHAM
78 S. SIVASAMY
79 M. PANNEERSELVAM
80 J. KARUNANITHI
81 M. ELUMALAI
82 M. RAJESWARI
83 A. GANGACHALAM
84 V. TAMILARASI
85 N. NADARAJA
86 A. ARULDOSS
87 K. NARAYANASAMY
88 A. SRINIVASAN
89 KALAI SUNDARI SELVARAJ



90 P.VELAYUTHAM
91 A.LASHMIKANDAN
92 M.VAITHILINGAM
93 V.SHANMUGAM
94 D.SRINIVASAN
95 N.SINGARAVELU
96 D.KALIYAPERUMAL
97 H.SAMBANDAM
98 VASANTHA
99 V.JAGANNATHAN
100 P.BABY
101 M.RAJESWARI

... PETITIONERS in WP No.3529 of 2018

1 K.K.RAJA
2 N.PURUSHOTHAMAN
3 R.RAMULU
4 B.DURAISAMY
5 P.CHINNADURAI
6 V.CHANDRAHASAN
7 S.SUBRAMANI
8 M.RAJAMANICKAM
9 G.GOVINDASAMY
10 N.SANTHANAM
11 R.MOHAN CHIRISTOFAR
12 A.CHANDRASEKARAN
13 T.S.NIRMALA
14 A.MANOCHARAN
15 M.INDRANI
16 C.GAJENDRAN
17 C.DOSS
18 B.SRINIVASA
19 A.PARANTHAMAN
20 S.MUNUSWAMY
21 C.VENKATASWAMY
22 R.JOTHIVEL
23 G.VIJAYAKUMAR
24 K.RANI
25 THANGAVEL ASARI
26 B.ARIVALAGAN
27 V. VIJAYAKUMAR
28 S.NAGARAJAN
29 C.ILAKKIYA ASOKAN
30 M.PONNUSAMY
31 M.MOHANDASS
32 A.PALANIMANICKAM
33 N.RAMANATHAN
34 R.KANNAN
35 D. JOHN SUNDARAM
36 V.RANGANATHAN



37 G.PUTHIRAN
38 S.JEEVANRAJ
39 C.SIVARAJ
40 B.MEIJAZHAGAN
41 M.RAJESHWARARAO
42 V.ANNAMALAI
43 G. ANWARUDDIN
44 V. GOPAL
45 T.F.L.RAVINDRAN
46 R.SATHYAMOORTHY
47 K.SWAMINATHAN
48 N.SINGARAM
49 V.VIJAYAN
50 K.S.SAMBANDAMOORTHY
51 A. SUSILA GANDHI
52 T.S.KRISHNAMACHARI
53 A.R.SUBRAMANIAM
54 N.KOTHANDARAMAN
55 K.KARUNAKARAN
56 E.THILAGAVATHY
57 V.R.GANESAN
58 R. KANTHARAJAN
59 M.KOLANDAI
60 M.BALUSAMY
61 B.SUBRAMANIAN
62 K. SOMUKUMAR
63 R..G.DAYALASEELAN
64 V.MOORTHY
65 R.SIVASHANMUGAM
66 P.VENKATESAN
67 S. SUNDARAVADANAM
68 S.LEELAVATHY
69 S. VEERARAGHAVALU
70 C.RADHA
71 A.JAGATHALAN
72 S.SELVARAJ
73 P.KURALVANAN
74 S.NAVANEETHAM
75 A.K.PACKIRISAMY
76 R. SUBRAMANIAM
77 C.MANONMANI
78 P.THANGARAJAN
79 K.ABDUL JABBAR
80 V.VIJAYAN
81 M.BALAMMAL
82 KALAVALLI
83 R. SOUNDARAPANDIAN
84 G.JANARTHANAN
85 M.JAYARAMAN
86 N.KLARA NATHAN



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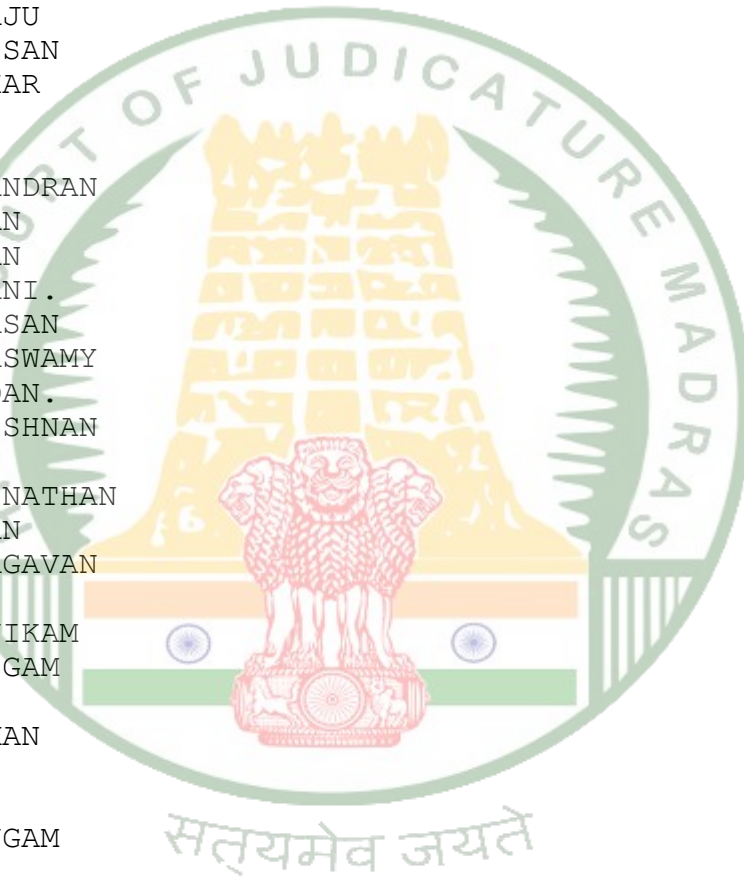
87 R.RANGAN
88 C.GOPINATH
89 D.DHARUMAN
90 S.KUMARI
91 P.LOGANATHAN
92 R.VASANTHA
93 D.SANJEEVI GOPAL
94 K.PRAKASAM
95 G. THANGARAJU
96 J.JAYASEELAN
97 M.BAHURDEEN
98 K.THULASIAMMAL
19 M.NARAYANAN
100 O.LALITHA

... PETITIONERS in WP No.3530 of 2018

1 M.JAGANATHAN
2 P. AYYASAMY
3 I. DURAISAMY
4 K. SAMBASIVAM
5 N. NATESAN
6 P. CHANDRAMOHAN
7 A.PAULRAJ
8 M. JAYAPALAN
9 P. VEERAPPAN
10 S. KUPPUSAMY
11 S. RANGANATHAN
12 N. RAJAN
13 K. SADASIVAM
14 P. KRISHNAN
15 K. ELAIYAPERUMAL
16 G. DHANAPAL
17 S. VEERAPPAN
18 A.KOLANJI
19 V. ANBALAGAN
20 K. VEERASAMY
21 N. SUNDARAKANNAN
22 R. VINAYAGAM
23 C. VALLUVAN
24 C. CADIRVELOU
25 N. PONNUSAMY
26 M. SUNDARAM
27 G. VENKATARAMANI
28 P. PACKRISAMY
29 S. SANKARAN
30 G. RAJANGAM
31 R. ELANNGOVAN
32 T. PANNEERSELVAM
33 S. RAJENDRAN



34 L. FRANCIS
35 A.MEENAKSHSUNDARAM
36 A.KADIRVEL
37 R. SUBRAMANIAN
38 V. P. ARAVINDAKSHAN
39 K.K. RAJAMUMARI
40 PALANIAPPAN
41 K. DEIVASIGAMANI
42 Y. MUTHUKRISHNAN
43 R. RANGAMANI
44 P. VADIVEL
45 A.M. DAMODARAN
46 S. DURAIRAJU
47 R. KATHIRESAN
48 C. M. BASKAR
49 P.VASANTHI
50 G. VEDHA
51 E. RAMACHANDRAN
52 V. KRISHNAN
53 K. KARUPPAN
54 R. DANDAPANI.
55 L. SRINIVASAN
56 R. GOVINDASWAMY
57 S. UMAKANDAN.
58 M. RAMAKRISHNAN
59 S. RAMAN
60 T.S. SWAMINATHAN
61 P. SENKODAN
62 P. VEERARAGAVAN
63 S. KANNAN
64 M. RAJAMANIKAM
65 D. NEELAMEGAM
66 MANOHARAN
67 K. JEYARAMAN
68 R. SELVAM
69 D. PANJA
70 V. MAHALINGAM
71 M. MANI
72 G. DAMODHARAN
73 S. KUPPAMMAL
74 S. MALARVIZHI
75 K. SARASWATHY
76 S. SAROJINI
77 P. MURTHY
78 P. THAMIZHARASI
79 S. PANNEERSELVAM
80 E. PARAMANADAM
81 R. ARPUTHARAJ
82 A.C. THIRUNEELAKANDAN
83 R. RAJAMANOHARAN



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84 N. ARJUNAN
85 R. ELANGO VAN
86 M. BALU
87 S. VANA JA
88 N. ANBUTHAMBI
89 R. KARUNAKARAN
90 C. ARUMUGAM
91 N. KATTIMUTHU
92 S. RAMANAMMAL
93 P. KUBENDIRAN
94 V. SANTHAGAN
95 L. MOOKKAMMAL
96 P. DAYALAN
97 M.D. POONGOTHAI
98 V. LAKSHMIPATHY
99 S. GUNASEKARAN
100 R. GANESAN
101 M. MAHIMAI
102 A.DEENDAYALAN ... PETITIONERS in WP No.3531 of 2018

1 R.BALASUBRAMANIAN
2 M.KARTHIKEYAN
3 M.M.THAJUDEEN
4 M.VIJAYAKUMARAN ... PETITIONERS in WP No.29922 of 2018

1 K.NATARAJAN
2 T.RAMASAMY
3 K.BALASUBRAMANIAM
4 K.PERUMAL
5 R.MALLIGA
6 N.THIMMAPPAN
7 M.ARUMUGAM
8 K.BHEEMAN
9 S.NARAYANAN
10 P.GOVINDAN
11 V.CHINNASAMY
12 T.KONDRI GOUNDER
13 P.MANIKAM
14 B.VENKATESAN
15 N.VENKATACHALAM
16 M.NARAYANAN
17 GUNALAN
18 M.MURUGAN
19 R.SADANANDHAN
20 R.MANO HARAN
21 V.CHINNATHAMBI
22 C.JAGANATHAN ... PETITIONERS IN W.P.335 OF 2019

VERSUS

1 UNION OF INDIA
REP. BY SECRETARY TO GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT SHRAM
SHAKTI BHAWAN RAFI MARG NEW DELHI-110 001.

2 CENTRAL PROVIDENT FUND COMMR.
EMPLOYEES PROVIDENT FUND ORGANISATION
MINISTRY OF LABOUR & EMPLOYMENT GOVT. OF
INDIA BHAVISHYA NIDHI BHAWAN 14 BHIKAJI
CAMA PLACE NEW DELHI-66

3 ADDL. CENTRAL PROVIDENT FUND
COMMR. HQ (PENSION) EMPLOYEES PROVIDENT FUND
ORGANISATION BHAVISHYA NIDHI BHAWAN + 14
BHIKAJI CAMA PLACE NEW DELHI-110 066.

4 REGIONAL PROVIDENT FUND
COMMR.-I (PENSION) EMPLOYEES PROVIDENT FUND
ORGANISATION BHAVISHYA NIDHI BHAWAN 14
BHIKAJI CAMA PLACE NEW DELHI-110 066.

5 ADDL.CENTRAL PROVIDENT FUND
COMMR. EMPLOYEES PROVIDENT FUND
ORGANIZATION 37 ROYAPETTAH HIGH ROAD
CHENNAI-600 014.

6 REGIONAL PROVIDENT FUND
COMMR. EMPLOYEES PROVIDENT FUND ORGANIZATION
37 ROYAPETTAH HIGH ROAD CHENNAI-600 014.

7 FOOD CORPORATION OF INDIA (FCI)
REP. BY CHAIRMAN & MD 16-20
BARAKHAMB LANE NEW DELHI-110 001.

8 THE EXECUTIVE DIRECTOR (SOUTH)
FOOD CORPORATION OF INDIA NO.3
HADDOWS ROAD
CHENNAI-600 006.

9 FCI PROVIDENT FUND TRUST
REP. BY ITS SECRETARY FOOD CORPORATION OF
INDIA (FCI) 16-20 BARAKHAMB LANE,
NEW DELHI-110 001.

... RESPONDENTS IN W.P.NO.3528 OF 2018

- 1 UNION OF INDIA REP BY
SECRETARY TO GOVERNMENT OF INDIA MINISTRY
OF LABOUR AND EMPLOYMENT SHRAM SHAKTI
BHAWAN RAFI MARG NEW DELHI-110001
- 2 CENTRAL PROVIDENT FUND
COMMR EMPLOYEES PF ORGANISATION MINISTRY
OF LABOUR & EMPLOYMENT GOVT. OF INDIA
BHAVISHYA NIDHI BHAWAN 14 BHIKAJI CAMA
PLACE NEW DELHI
- 3 ADDL. CENTRAL PROVIDENT FUND
COMMISSIONER HQ (PENSION) EPF ORGANISATION
BHAVISHYA NIDHI BHAWAN 14 BHIKAJI CAMA
PLACE NEW DELHI - 110 066
- 4 REGIONAL PROVIDENT FUND
COMMISSIONER-I (PENSION) EPF ORGANISATION
BHAVISHYA NIDHI BHAWAN 14 BHIKAJI CAMA
PLACE NEW DELHI -110 066
- 5 ADDL. CENTRAL PROVIDENT FUND
COMMISSIONER EMPLOYEES PROVIDENT FUND
ORGANIZATION 37 ROYAPETTAH HIGH ROAD
CHENNAI-600 014
- 6 REGIONAL PROVIDENT FUND
COMMISSIONER EMPLOYEES PROVIDENT FUND
ORGANIZATION 37 ROYAPETTAH HIGH ROAD
CHENNAI-600 014
- 7 FOOD CORPORATION OF INDIA
(FCI) REP BY CHAIRMAN & MD 16-20 BARAKHAMBA
LANE NEW DELHI-110 001
- 8 THE EXECUTIVE DIRECTOR
(SOUTH) FOOD CORPORATION OF INDIA NO.3
HADDOWS ROAD CHENNAI-600 006
- 9 FCI PROVIDENT FUND TRUST
REP BY ITS SECRETARY FOOD CORPORATION OF
INDIA (FCI) 16-20 BARAKHAMBA LANE NEW
DELHI-110 001 ... RESPONDENT IN WP NO.3529 OF 2018
- 1 UNION OF INDIA REP BY
SECRETARY TO GOVERNMENT OF INDIA MINISTRY
OF LABOUR AND EMPLOYMENT SHRAM SHAKTI
BHAWAN RAFI MARG NEW DELHI-110001

- 2 CENTRAL PROVIDENT FUND
COMMR EMPLOYEES PF ORGANISATION MINISTRY
OF LABOUR & EMPLOYMENT GOVT. OF INDIA
BHAVISHYA NIDHI BHAWAN 14 BHIKAJI CAMA
PLACE NEW DELHI
- 3 ADDL. CENTRAL PROVIDENT FUND
COMMISSIONER HQ (PENSION) EPF ORGANISATION
BHAVISHYA NIDHI BHAWAN 14 BHIKAJI CAMA
PLACE NEW DELHI - 110 066
- 4 REGIONAL PROVIDENT FUND
COMMISSIONER-I (PENSION) EPF ORGANISATION
BHAVISHYA NIDHI BHAWAN 14 BHIKAJI CAMA
PLACE NEW DELHI -110 066
- 5 ADDL. CENTRAL PROVIDENT FUND
COMMISSIONER EMPLOYEES PROVIDENT FUND
ORGANIZATION 37 ROYAPETTAH HIGH ROAD
CHENNAI-600 014
- 6 REGIONAL PROVIDENT FUND
COMMISSIONER EMPLOYEES PROVIDENT FUND
ORGANIZATION 37 ROYAPETTAH HIGH ROAD
CHENNAI-600 014
- 7 FOOD CORPORATION OF INDIA
(FCI) REP BY CHAIRMAN & MD 16-20 BARAKHAMBA
LANE NEW DELHI-110 001
- 8 THE EXECUTIVE DIRECTOR
(SOUTH) FOOD CORPORATION OF INDIA NO.3
HADDOWS ROAD CHENNAI-600 006
- 9 FCI PROVIDENT FUND TRUST
REP BY ITS SECRETARY FOOD CORPORATION OF
INDIA (FCI) 16-20 BARAKHAMBA LANE NEW
DELHI-110 001 ... RESPONDENT in WP No.3530 of 2018
- 1 UNION OF INDIA
REP. BY SECRETARY TO GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT SHRAM
SHAKTI BHAWAN RAFI MARG NEW DELHI-110 001.

- 2 CENTRAL PROVIDENT FUND COMMR.
EMPLOYEES PROVIDENT FUND ORGANISATION
MINISTRY OF LABOUR & EMPLOYMENT GOVT. OF
INDIA BHAVISHYA NIDHI BHAWAN 14 BHIKAJI
CAMA PLACE NEW DELHI-66
- 3 ADDL. CENTRAL PROVIDENT FUND
COMMR. HQ (PENSION) EMPLOYEES PROVIDENT FUND
ORGANISATION BHAVISHYA NIDHI BHAWAN + 14
BHIKAJI CAMA PLACE NEW DELHI-110 066.
- 4 REGIONAL PROVIDENT FUND
COMMR.-I (PENSION) EMPLOYEES PROVIDENT FUND
ORGANISATION BHAVISHYA NIDHI BHAWAN 14
BHIKAJI CAMA PLACE NEW DELHI-110 066.
- 5 ADDL.CENTRAL PROVIDENT FUND
COMMR. EMPLOYEES PROVIDENT FUND
ORGANIZATION 37 ROYAPETTAH HIGH ROAD
CHENNAI-600 014.
- 6 REGIONAL PROVIDENT FUND
COMMR. EMPLOYEES PROVIDENT FUND ORGANIZATION
37 ROYAPETTAH HIGH ROAD CHENNAI-600 014.
- 7 FOOD CORPORATION OF INDIA (FC
I) REP. BY CHAIRMAN & MD 16-20 BARAKHAMBA
LANE NEW DELHI-110 001.
- 8 THE EXECUTIVE DIRECTOR (SOUTH
) FOOD CORPORATION OF INDIA NO.3 HADDOWS
ROAD CHENNAI-600 006.
- 9 FCI PROVIDENT FUND TRUST
REP. BY ITS SECRETARY FOOD CORPORATION OF
INDIA (FCI) 16-20 BARAKHAMBA LANE NEW
DELHI-110 001. ... RESPONDENT in WP No.3531 of 2018
- 1 UNION OF INDIA
REP. BY SECRETARY TO GOVERNMENT OF INDIA
SHRAM SHAKTI BHAWAN RAFI MARG
NEW DELHI - 110 001.
- 2 CENTRAL PROVIDENT FUND COMMI
SSIONER EMPLOYEES PROVIDENT FUND
ORGANISATION MINISTRY OF LABOUR AND
EMPLOYMENT GOVT OF INDIA BHAISHYA NIDHI
BHAWAN NO.14 BHIKAJI CAMA PLACE

- 3 ADD.CENTRAL PROVIDENT FUND C
OMMISSIONER HQ (PENSION) EMPLOYEES
PROVIDENT FUND ORGANISATION BHAISHYA NIDHI
BHAWAN NO.14 BHIKAI CAMA PLACE NEW DELHI
-110 066.
- 4 REGIONAL PROVIDENT FUND COMM
MISSIONER -I (PENSION) EMPLOYEES PROVIDENT
FUND ORGANISATION BHAVISHYA NIDHI BHAWAN
NO.14 BHIKAJI CAMA PLASE NEW DELHI -110 066
- 5 ADDL.CENTRAL PROVIDENT FUND
COMMISSIONER EMPLOYEES PROVIDENT FUND
ORGANIZATION NO.37 ROYAPETTAH HIGH ROAD
CHENNAI -600 014
- 6 REGIONAL PROVIDENT FUND COMM
MISSIONER EMPLOYEES PROVIDENT FUND
ORGANIZATION NO.37 ROYAPETTAH HIGH ROAD
CHENNAI 600 014.
- 7 THE REGIONAL PROVIDENT FUND
COMMISSIONER -I EMPLOYMENT PROVIDENT FUND
ORGANISATION REGIONAL OFFICE AMBATTUR R40
1ATNHB OFFICE COMPLEX MOGAPPAIR ROAD
MOGAPPAIR EAST CHENN
- 8 THE CHIEF OPERATING OFFICER
ASHOK LEYLAND LTD. ENNORE CHENNAI 57.
- 9 THE PERSONNEL MANAGER
ASHOK LEYLAND LTD. EMPLOYEES ENNORE
PROVIDENT FUND ENNORE CHENNAI 57.
... RESPONDENT in WP No.29922 of 2018
- 1 UNION OF INDIA
REP. BY SECRETARY TO GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT SHRAM
SHAKTI BHAWAN RAFI MARG
NEW DELHI - 110 001.
- 2 CENTRAL PROVIDENT FUND COMMI
SSIONER EMPLOYEES PROVIDENT FUND
ORGANISATION MINISTRY OF LABOUR AND
EMPLOYMENT GOVERNMENT OF INDIA BHAVISHYA
NIDHI BHAWAN 14 BHIKAJI CAMA PL

- 3 ADDITIONAL CENTRAL PROVIDENT
FUND COMMISSIONER HQ (PENSION) EMPLOYEES
PROVIDENT FUND ORGANISATION BHAVISHYA NIDHI
BHAWAN 14 BHIKAJI CAMA PLACE
NEW DELHI - 110 066.
- 4 REGIONAL PROVIDENT FUND COMM
MISSIONER-I (PENSION) EMPLOYEES PROVIDENT
FUND ORGANISATION BHAWAN 14 BHIKAJI
CAMA PLACE NEW DELHI - 110 066.
- 5 ADDITIONAL CENTRAL PROVIDENT
FUND COMMISSIONER EMPLOYEES PROVIDENT FUND
ORGANISATION 37 ROYAPETTAH HIGH ROAD
CHENNAI - 600 014.
- 6 REGIONAL PROVIDENT FUND COMM
MISSIONER EMPLOYEES PROVIDENT FUND
ORGANISATION 37 ROYAPETTAH HIGH ROAD
CHENNAI - 600 014.
- 7 THE MANAGING DIRECTOR
TAMILNADU CIVIL SUPPLIES CORPORATION 12
THAMBUSAMY ROAD KILPAUK CHENNAI - 600 010.
- 8 THE MANAGING TRUSTEE
TNCSC EMPLOYEES CONTRIBUTORY PROVIDENT FUND
TRUST TAMIL NADU CIVIL SUPPLIES CORPORATION
12 THAMBUSAMY ROAD KILPAUK
CHENNAI - 600 010.

...RESPONDENT IN W.P.NO.335 OF 2019

Writ Petitions are filed under Article 226 of the
Constitution of India, for issuance of Writ of Certiorarified
Mandamus,

Prayer in W.P.No.3528 of 2018:

to call for the records pertaining to the impugned letter
issued by the 4th respondent in No. Pension/I/ 12/33/ EPS
Amendment/96 Vol-II dated 31.05.2017 and quash the same and
consequently direct the respondents to grant pension on higher
wages under EPS 1995.

Prayer in WP No.3529 of 2018:

to calling for the records pertaining to the impugned letter
issued by the 4th Respondent in No.Pension/I/ 12/ 33/ EPS
Amendment/ 96 Vol-II, dated 31.05.2017 and quash the same and

consequently, direct the Respondents to grant pension on higher wages under EPS, 1995.

Prayer in WP No.3530 of 2018:

to calling for the records pertaining to the impugned letter issued by the 4th Respondent in No.Pension/I/ 12/ 33/ EPS Amendment/ 96 Vol-II, dated 31.05.2017 and quash the same and consequently, direct the Respondents to grant pension on higher wages under EPS, 1995.

Prayer in WP No.3531 of 2018:

to Calling for the records pertaining to the impugned letter issued by the 4th respondent in No. Pension/I/ 12/33/ EPS Amendment/96 Vol-II, dated 31.05.2017 and quash the same and consequently, direct the respondents to grant pension on higher wages under EPS, 1995.

Prayer in WP No.29922 of 2018:

to Calling for the records pertaining to the impugned letter issued by the 4th Respondent in No.Pension/I/12/33/EMPS Amendment/96 Vol-II dated 31/05/2017 and quash the same and consequently, direct the Respondents 1 to 7 to grant pension on higher wages under EPS 1995.

Prayer in W.P.No.335 of 2019:

to Calling for the records pertaining to the impugned letter issued by the 4th respondent in No.Pension/I/12/33/EPS Amendment /96 Vol-II dated 31.05.2017 and quash the same and consequently direct the Respondents 1 to 6 to grant pension on higher wages under EPS 1995.

For Petitioners: Mr.A.Jenasenan in all Wps

For Respondents: Mr.T.R.Sundaram for R1toR6
in all Wps

Mr.S.Vijayakumar for R7 & R8 in
W.P.No.3528 to 3531/18 and 29922/18

NA for R7 and R8 in W.P.No.335/19

COMMON ORDER

In a batch of Writ Petitions, similar to the present Writ Petitions, in W.P.No.14368 of 2018, etc., this Court passed

detail directions in para 48 and allowed all the Writ Petitions in para 49, which are extracted as under:

"48. In the above mentioned circumstances, this Court consider the following directions as expedient to resolve the issues as projected in the Writ Petitions.

- i) Both the employees of the exempted and unexempted establishments are entitled to the benefit of enhanced pension on the basis of their contribution with reference to actual salary received by them to their Provident Fund accounts;
- ii) The cut off date as prescribed i.e. 01.12.2004 is invalid in law and therefore, the same is held to be illegal and invalid;
- iii) The employees, namely, the writ petitioners shall be permitted to exercise their option in terms of Proviso to Clause 11(3) of the Pension Scheme and while permitting so, the EPFO is at liberty to seek return of the higher Provident Fund contribution received by the respective employees with simple interest at the rate of 6% p.a. from the date of receipt of Provident Fund amount and till the date of payment;
- iv) The amounts to be refunded by the employees concerned shall be verified by the EPFO in consultation with the respective establishments in which the employees were employed;
- v) On refund of the verified amount with interest, the EPFO shall calculate and grant enhanced pension on the basis of actual salaries received by the employees with arrears of pension from the date of their retirement and continue to pay their monthly enhanced pension through out their life time;
- vi) In case where the refund of the amount by any employee with interest is higher than the enhanced pension with arrears payable to him, the refund shall be insisted upon and in case where the refund, after calculation, is lower than the arrears of pension payable to the employee, the same shall be adjusted while

disbursing the arrears to the employees concerned;

vii) The respective Managements of the exempted establishments which maintained the Private Trust are directed to cooperate with the EPFO and render all assistance in quantifying the amount to be refunded by the respective employees with interest at 6% p.a. on such refund;

viii) The entire exercise shall be initiated and completed by the individual Managements and the EPFO within a period of six months from the date of receipt of a copy of the order.

49. In the result, all the Writ Petitions are allowed on the above terms. The orders of rejection which are impugned in the respective Writ Petitions, are hereby quashed and as regards the Writ Petitions pertaining to the grant of Writ of Mandamus to the authorities for grant of enhanced pension are concerned, the same are allowed as indicated above. No costs. Consequently, all connected WMPs are closed.

2. The reasons and the findings in their entirety as rendered in the batch of Writ Petitions are to be read as part and parcel of the present Writ Petitions as well.

3. In the light of the above, this Court is of the view that the above directions and observation will hold good for the present Writ Petitions also. Accordingly, the Writ Petitions are allowed on the terms as mentioned above. Consequently, connected WMPs are closed. No costs.

सत्यमेव जयते Sd/-

Assistant Registrar(CS VI)

//True Copy//

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Sub Assistant Registrar

To

1 UNION OF INDIA
REP. BY SECRETARY TO GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT SHRAM
SHAKTI BHAWAN RAFI MARG NEW DELHI-110 001.

- 2 CENTRAL PROVIDENT FUND COMMR.
EMPLOYEES PROVIDENT FUND ORGANISATION
MINISTRY OF LABOUR & EMPLOYMENT GOVT. OF
INDIA BHAVISHYA NIDHI BHAWAN 14 BHIKAJI
CAMA PLACE NEW DELHI-66
- 3 ADDL. CENTRAL PROVIDENT FUND
COMMR. HQ (PENSION) EMPLOYEES PROVIDENT FUND
ORGANISATION BHAVISHYA NIDHI BHAWAN + 14
BHIKAJI CAMA PLACE NEW DELHI-110 066.
- 4 REGIONAL PROVIDENT FUND
COMMR.-I (PENSION) EMPLOYEES PROVIDENT FUND
ORGANISATION BHAVISHYA NIDHI BHAWAN 14
BHIKAJI CAMA PLACE NEW DELHI-110 066.
- 5 ADDL.CENTRAL PROVIDENT FUND
COMMR. EMPLOYEES PROVIDENT FUND
ORGANIZATION 37 ROYAPETTAH HIGH ROAD
CHENNAI-600 014.
- 6 REGIONAL PROVIDENT FUND
COMMR. EMPLOYEES PROVIDENT FUND ORGANIZATION
37 ROYAPETTAH HIGH ROAD CHENNAI-600 014.
- 7 FOOD CORPORATION OF INDIA (FCI)
REP. BY CHAIRMAN & MD 16-20
BARAKHAMBA LANE NEW DELHI-110 001.
- 8 THE EXECUTIVE DIRECTOR (SOUTH)
FOOD CORPORATION OF INDIA NO.3
HADDOWS ROAD
CHENNAI-600 006.
- 9 FCI PROVIDENT FUND TRUST
REP. BY ITS SECRETARY FOOD CORPORATION OF
INDIA (FCI) 16-20 BARAKHAMBA LANE,
NEW DELHI-110 001.
- 10 THE REGIONAL PROVIDENT FUND
COMMISSIONER -I EMPLOYMENT PROVIDENT FUND
ORGANISATION REGIONAL OFFICE AMBATTUR R40
1ATNHB OFFICE COMPLEX MOGAPPAIR ROAD
MOGAPPAIR EAST CHENNAI.
- 11 THE CHIEF OPERATING OFFICER
ASHOK LEYLAND LTD. ENNORE CHENNAI 57.

12 THE PERSONNEL MANAGER
ASHOK LEYLAND LTD. EMPLOYEES ENNORE
PROVIDENT FUND ENNORE CHENNAI 57.

13 INDIAN OIL CORPORATION LIMITED
(MARKETING DIVISION) TRICHY DIVISIONAL
OFFICE TRIVENI 3RD FLOOR NO.B-35 SATHIRI
ROAD THILLAI NAGAR TRICHY TRICHY DISTRICT-620 018.

14 THE REGISTRED OFFICE
INDIAN OIL BHAVAN G-9 ALI YAVAR JUNG MARG
BANDRA (EAST) MUNMAI-400 051. INDIA.

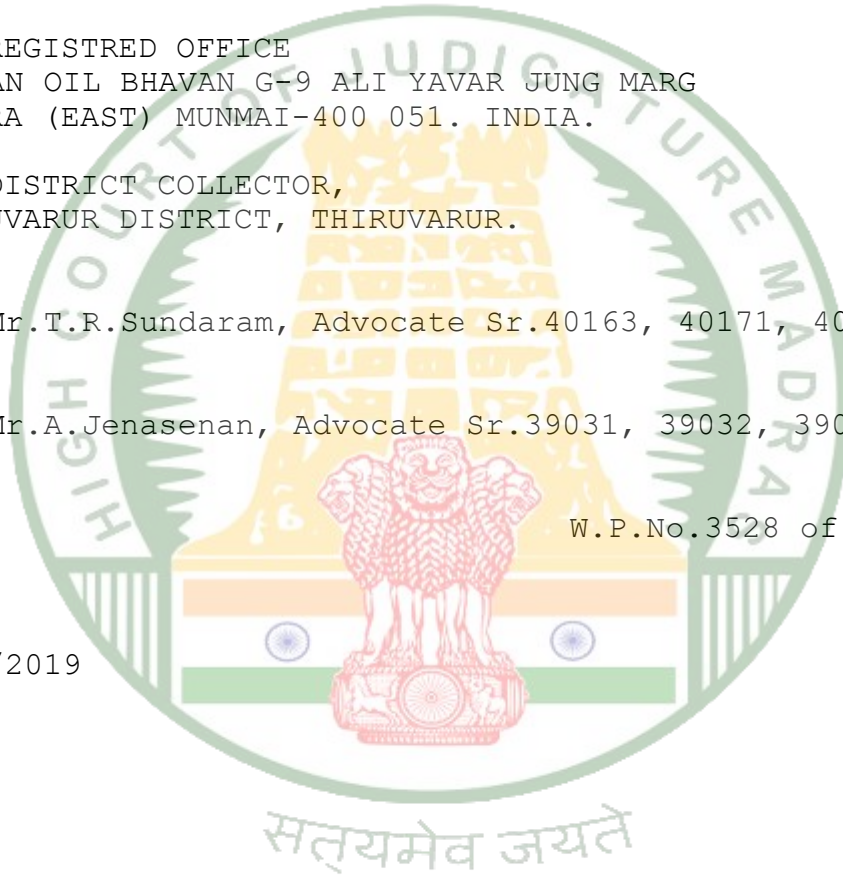
15 THE DISTRICT COLLECTOR,
THIRUVARUR DISTRICT, THIRUVARUR.

+5ccs to Mr.T.R.Sundaram, Advocate Sr.40163, 40171, 40168, 40167
& 40165

+4ccs to Mr.A.Jenasenan, Advocate Sr.39031, 39032, 39033, 39034

W.P.No.3528 of 2018, etc.

kk[co]
srg 21/06/2019



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