



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P.(MD).No.3621 of 2011

S.Balasundaram

.. Petitioner

Vs.

1.The Regional Provident Fund Commissioner (State Level),
Employees' Provident Fund Organisation
Royapettah, Chennai - 600 014.

2.The Assistant Provident Fund Commissioner
Employees' Provident Fund Organisation
Sub Regional Officer - P.B.No.588,
Sree Complex, D-Block,
18, Madurai Road, Tiruchirapalli.

3.The Special Officer,
Chandrasekarapuram Co-operative Wholesale
Stores Ltd., Chandrasekarapuram,
Kumbakonam Taluk.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for the records connected with the letter No.TN/TRY/2587/19/GR.V/T.6/2007, dated 31.10.2007 passed by the second respondent and to quash the same and further direct the second respondent to sanction pension to the petitioner from the date of retirement on 31.12.1995 onwards with interest for the belated payment.

For Petitioner : Mr.J.Ashok

For Respondents : Mr.S.Deenadayalan for R3

ORDER

This writ petition is filed for issuance of writ of Certiorarified Mandamus to quash the communication dated 31.10.2007 issued by the second respondent to the petitioner and to direct the second respondent to sanction the pension to the petitioner from the date of his retirement i.e., on 31.05.1995.



2.The petitioner submitted a representation to the second respondent for sanctioning family pension. He also filed a writ petition before this Court in W.P.(MD).No.3120 of 2007. Since a direction was issued to the second respondent to dispose of the representation of the petitioner, by the impugned order, the petitioner's claim under the Employees' Family Pension Scheme 1971 and the Employees' Pension Scheme 1995 was denied on the ground that the petitioner was not eligible under the above schemes. It is stated in the communication that the petitioner had not opted for pension. A part of his Employees' Provident Fund Contribution would have been diverted if the petitioner became a member of any pension scheme. Since the petitioner stood away from the Employees' Family Pension Scheme 1971 and Employees' Pension Scheme 1995 from the date of introduction of Employees' Pension Scheme 1971 to the date of final settlement for his Employees' Provident Fund, as on 29.02.1996. The entire contribution collected under Section 6 of the Employees' Provident Fund Scheme, 1952 was fully credited to his Employees' Provident Fund account and that final payment was made on 29.02.1996.

3.From the communication, it is clear that the petitioner has been settled the entire amount due under the scheme without any deduction. If he had opted for pension either under the Employees' Family Pension Scheme or under Employees' Pension Scheme, it is stated that there could have been some deduction and that contribution would have been collected towards the account separately. It is not disputed by the petitioner in the affidavit filed in support of the petition that the petitioner has not received the amount which was due as per the scheme. In the above circumstances, this Court is unable to entertain the writ petition as the petitioner has not even come forward with any serious objections to the facts stated in the impugned order.

4.As a result, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

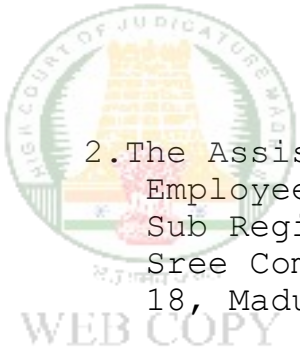
// True Copy //

Sub Assistant Registrar(CS)

TM

To

1.The Regional Provident Fund Commissioner (State Level),
Employees' Provident Fund Organisation
Royapettah, Chennai - 600 014.



2.The Assistant Provident Fund Commissioner
Employees' Provident Fund Organisation
Sub Regional Officer - P.B.No.588,
Sree Complex, D-Block,
18, Madurai Road, Tiruchirapalli.

3.The Special Officer,
Chandrasekarapuram Co-operative Wholesale
Stores Ltd., Chandrasekarapuram,
Kumbakonam Taluk.

+1 CC to M/s.B. ANANDAN, Advocate (SR-102703[F] dated 29/11/2019)

W.P. (MD) .No.3621 of 2011
28.11.2019

JMN(18.12.2019) 3P : 5C