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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2019

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P.(MD) No.27011 of 2019

Muralidharan : Petitioner

Vs

1. The Regional PF Commissioner-I
   Regional Office
   Chennai – 1.

2. The Chief General Manager
   BSNL, TN Circle
   16A, Greams Road
   Chennai – 6.

3. The Principal General Manager
   BSNL, Trichy -1 : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents more particularly the 1st respondent to consider the petitioner's application dated 19.01.2018 for revision of pension under the Employees' Pension Scheme, 1995 by considering the representation dated 17.02.2019.

For Petitioner : Mr.D.Venkatesh

For Respondents: For R1 – Mr.M.Jeyakumar
Additional Government Pleader
For R2 & R3 -
Mr.D.Shanmuga Raju Sethupathy

O R D E R

This Writ Petition is filed to direct the 1st respondent to consider the petitioner's application dated 19.01.2018 for revision of pension under the Employees' Pension Scheme, 1995 by considering the representation dated 17.02.2019.

2. The case of the petitioner is that he was working as Telecom Technical Assistant under the 3rd respondent office from 15.04.2002 to 28.02.2015 and due to superannuation, he retired from

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service at Pudukottai. Subsequently, on 29.02.2016, pension order was passed in favour of the petitioner granting a sum of Rs.991/- as monthly pension under Employees' Pension Scheme, 95. On 23.03.2017, the Employees' Provident Fund Organization circulated a communication to all regional PF Commissioners, thereby allowing existing pensioners to avail higher pension under Employees Pension Scheme,95. On 19.01.2018, the petitioner has made an application to the third respondent to prepare the petitioner's EPF form 3A from June 2002 to February 2015 and submit the same before the first respondent for higher pension. On 20.02.2018, the second respondent has forwarded the petitioner's application to the first respondent for consideration. On 16.02.2019, the petitioner has made a representation before the third respondent to consider the petitioner's case for higher pension. Further, the petitioner has sent his representation dated 17.02.2019 to Additional Central Provident Fund Commissioner, Chennai to consider his application dated 19.01.2018 for higher pension scheme. On 11.04.2019, the petitioner received a reply from the third respondent stating that he is not in membership with the third respondent, as such he has to approach the first respondent regarding his claim. Though the petitioner has made his representation dated 19.01.2018 before the first respondent, no action has been taken by the first respondent so far. Hence, the petitioner is before this Court with this present Writ Petition.

3. Heard both sides and perused the documents.

4. The learned counsel for the petitioner submitted that the first respondent has kept the petitioner's representation for higher pension for more than a year. Hence, necessary direction has to be issued to the first respondent to consider the petitioner's representation.

5. Considering the limited scope of prayer in the Writ Petition, no notice is required to the first respondent to dispose of the petitioner's representation.

6. This Court is of the considered view that the petitioner's representation dated 19.01.2018 has been kept pending by the first respondent for more than a year, it would be appropriate to direct the first respondent herein to dispose of the representation submitted by the petitioner, to meet the ends of justice.

7. In view of the above observations, there shall be a direction to the first respondent to dispose of the representation dated 19.01.2018, as expeditiously as possible, in any event, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (writes)

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Sub Assistant Registrar(CS)

vrn

To

1. The Regional PF Commissioner-I
   Regional Office
   Chennai - 1.

2. The Chief General Manager
   BSNL, TN Circle
   16A, Greams Road
   Chennai - 6.

+1 CC to Mr.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-106097[F] dated 19/12/2019)
+1 CC to Mr.D.VENKATESH, Advocate (SR-106293[F] dated 20/12/2019)

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