

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.925 to 928 of 2020

P.Boomi
S/o.Pooler

...Petitioner in W.P.No.925 of 2020

M.Moorthy
S/o.Masanam

...Petitioner in W.P.No.926 of 2020

S.Karunakaran
S/o.Subramanian

...Petitioner in W.P.No.927 of 2020

P.Jayaraman
S/o.Pandi

...Petitioner in W.P.No.928 of 2020

vs.

1. Union of India
Rep. by Secretary to Government of India
Ministry of Labour and Employment
Shram Shakthi Bhawan
Rafi Marg, New Delhi - 110 001.

2. Central Provident Fund Commissioner
Employees Provident Fund Organization
Ministry of Labour and Employment
Government of India
Bhavishya Nidhi Bhawan
New Delhi - 110 066.

3. The Additional Central Provident Fund Commissioner
Headquarters (Pension)
Employees Provident Fund Organization
Bhavishya Nidhi Bhawan
New Delhi - 110 066.

4.The Regional Provident Fund Commissioner-1 (Pension)
Employees Provident Fund Organization
Ministry of Labour and Employment
Bhavishya Nidhi Bhawan
14, Bhikaji Cama Place
New Delhi - 110 066.

5.The Additional Central Provident Fund Commissioner
Employees Provident Fund Organization
37, Royapettah High Road,
Chennai-600 014.

6.The Assistant Provident Fund Commissioner
Employees Provident Fund Organization
Regional office
Madurai - 625 002.Respondents in all W.P.s

Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the fifth and sixth respondents to furnish the requisite details of the petitioners as called for in the representations dated 31.08.2018 so as to enable the petitioners to remit the balance amount to the Employees Pension Scheme, 1995 as required by the law to get enhanced amount of pension following the Hon'ble Supreme Court order dated 04.10.2016.

For Petitioner
in all W.P.s :Mr.R.Sethu Pandian

For Respondents
in all W.P.s :Mr.B.K.Girish Neelakandan
Central Government Standing Counsel
for R1
Mr.T.R.Sundaram
standing counsel for R5 & R6

C O M M O N O R D E R

Mr.B.K.Girish Neelakandan, learned Central Government Standing Counsel takes notice for the first respondent. Mr.T.R.Sundaram, learned standing counsel takes notice for the respondents 5 & 6.

2. These writ petitions are filed seeking for mandamus directing the fifth and sixth respondents to furnish the requisite details of the petitioners as called for in the representations dated 31.08.2018 so as to enable the petitioners

to remit the balance amount to the Employees Pension Scheme, 1995 as required by the law to get the enhanced amount of pension following the Hon'ble Supreme Court order dated 04.10.2016.

3. According to the petitioners, they are the retired Milk Salesmen of A115, Ramanathapuram Milk Producers Co-operative Society and the members of the Employees' Pension Scheme, 1995 and that they are receiving Superannuation Pension of Rs.2,017/-, Rs.1071/-, Rs.1,200/-, and Rs.1700/- respectively, per month under the Employees' Pension Scheme, 1995. It is contended by the petitioners that pursuant to an order made by the Hon'ble Supreme Court dated 04.10.2016, the third respondent addressed to all the Regional Provident Commissioners and conveyed that the Ministry of Labour and Employment, viz., the first respondent had accorded its approval allowing the members of the Employees' Pension Scheme, 1995, who had contributed on higher wages exceeding the statutory wage ceiling of Rs.6,500/- per month in the Provident Fund to get enhanced 8.33% of the salary exceeding Rs.6,500/- to the Pension Fund with upto date interest as declared under the Employees' Pension Scheme, 1995, from time to time so as to get the benefit of pension on higher salary. Thus, it is stated by the petitioners that in pursuant to the above said order passed by the Apex Court in Civil Appeal Nos.10013-10014 of 2016 dated 04.10.2016, they sent representations dated 31.08.2018 to the sixth respondent requesting him to furnish certain informations viz.,

- (i) Amount necessary to be paid by the petitioners for availing pension on full wages;
- (ii) The amount of monthly pension that the petitioners will get on full wages;
- (iii) The difference of amount, the petitioners would receive from the date of retirement upto date between pension amount received and pension amount due.

4. The grievance of the petitioners is that the sixth respondent has not provided those informations so far. Therefore, the present writ petitions are filed seeking to consider the representations made by the petitioners on 31.08.2018.

5. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioners with regard to their entitlement of certain benefits under the Employees' Pension Scheme, 1995, as the representations made by the petitioners before the sixth respondent is said to be still pending. Accordingly, these Writ Petitions are disposed of,

only by directing the sixth respondent to consider the representations made by the petitioners dated 31.08.2018 and pass orders on the same on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government of India
Union of India
Ministry of Labour and Employment
Shram Shakthi Bhawan
Rafi Marg, New Delhi - 110 001.
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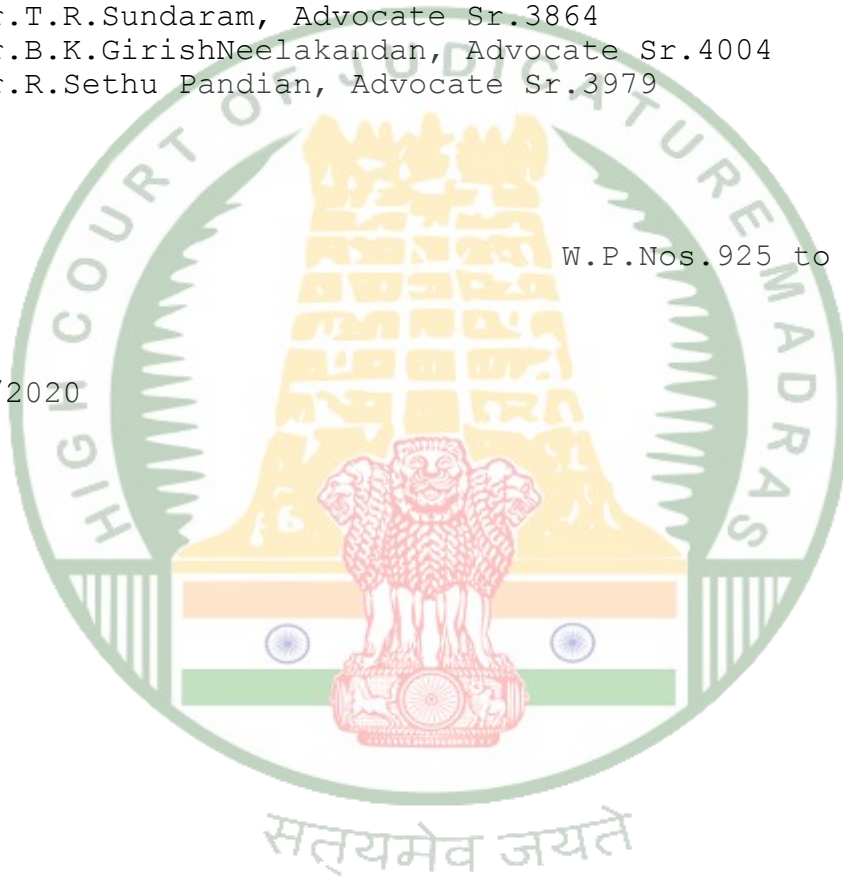
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6.The Assistant Provident Fund Commissioner
Employees Provident Fund Organization
Regional office
Madurai - 625 002.

+1cc to Mr.T.R.Sundaram, Advocate Sr.3864
+1cc to Mr.B.K.GirishNeelakandan, Advocate Sr.4004
+4cc to Mr.R.Sethu Pandian, Advocate Sr.3979

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