



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2020

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

WEB COPY

W.P. (MD) .No.1795 of 2020

Baalakumar MSL

... Petitioner

Vs.

The Regional PF Commissioner-I,
The Employees Provident Fund Organization,
Bhavishya Nidhi Bhavan,
No.1, Lady Doak College Road,
Madurai 625 002

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to directing the respondent to revise petitioner's pension based on his recent representation dated .2019 and dictum laid down in Sasikumar's case ((2019) ILLJ 494 Ker) by the Hon'ble Kerala High Court.

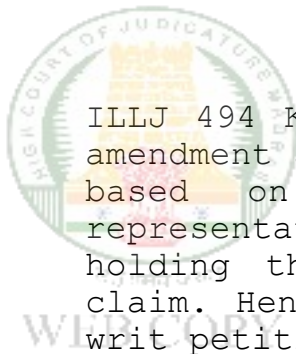
For Petitioner : Mr.RM.Arun Swaminathan

For Respondent : Mr.K.Murali Shankar,
Standing Counsel

O R D E R

Mr.Murali Shankar, learned standing counsel, takes notice on behalf of the respondent Employees Provident Fund Organization. The petitioner has come to this Court seeking for a Mandamus to direct the respondent to revise the petitioner's pension, based on his recent representation dated .2019 and the dictum laid down in Sasikumar's case ((2019) ILLJ 494 Ker) by the Hon'ble Kerala High Court.

2. The case of the petitioner is that, he attained superannuation on 18.09.2018. The petitioner was having membership of the respondent Organization. The EPS Scheme was applicable to such employees who on or after 16 November 1995 became a member of the EPF Scheme and whose monthly salary on the date of joining was less than or equal to INR 15,000/- Further, there was an amendment in 2014, which provided that for the computation of the monthly pension payable to employees, the employee's salary shall be capped at INR 6,500 per month upto 1 September 2014 and at INR 15,000/- per month for the period thereafter. This amendment was challenged before the Hon'ble Kerala High Court in Sasikumar's case ((2019)



ILLJ 494 Ker) and the Hon'ble Kerala High Court set aside the EPS amendment along with all consequential orders and proceedings issued based on the EPS Amendment. The petitioner submitted a representation to recalculate his pension based on the current rules holding the field. But the respondent rejected the petitioner's claim. Hence, the petitioner is before this Court with the present writ petition.

3. Mr.Murali Shankar, learned standing counsel who takes notice for the respondent Organization states that, as already a PPO number is furnished in the representation dated 09.09.2018, the same would be considered and appropriate orders will be passed, for which purpose, three weeks time is granted from the date of receipt of a copy of this order.

4. With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

The Regional PF Commissioner-I,
The Employees Provident Fund Organization,
Bhavishya Nidhi Bhavan,
No.1, Lady Doak College Road,
Madurai 625 002.

+1 CC to M/s.K.MURALISANKAR, Advocate (SR-4626[F]

+1 CC to M/s.RM.ARUNSWAMINATHAN, Advocate (SR-4695[F]

Order made in

W.P. (MD) .No.1795 of 2020

Dated:

04.02.2020

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SDS (27.02.2020) 2P-4C