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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.1617 of 2017

A.Rajammal

... Petitioner

Vs.

1. The Union of India represented
Secretary to Government,
Industries Department,
Government of Union Territory of Pondicherry,
Pondicherry.
2. The Managing Director,
Pondicherry Distilleries Limited,
R.S.No.144 & 145, Ariyapalayam,
Villianur, Pondicherry.
3. Employee Provident Fund Organisation,
No.101, 100 Feet Road,
Sree Venni Commercial Complex,
Cholan Nagar, Olandaikeerapalayam,
Puducherry - 605 004.

[Amended as per Order in WMP.No.6457 of 2021,
dated 17.03.2021]

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to disburse the entire family pension to the petitioner with arrears from the month of December, 1997 and consequently recover the provident fund of a sum of Rs.2,27,147/- [Rupees two lakhs twenty seven thousand one hundred and forty seven only] from the petitioner lying account.

For Petitioner : Mr.S.Kishore Kumar

For Respondents : Mr.Stalin Abimanyu - R1 & R2
Ms.V.J.Latha - R3

ORDER

This writ petition has been filed seeking a direction to the respondents to disburse the entire family pension to the petitioner with arrears from the month of December, 1997 and consequently recover the provident fund of Rs.2,27,147/- [Rupees



two lakhs twenty seven thousand one hundred and forty seven only] from the amount lying in the account of the petitioner.

2. According to the petitioner, the husband of the petitioner was working as a Boiler Assistant in the second respondent company and he died, while he was in service. Thereafter, the petitioner made repeated oral and written representations for disbursement of family pension, which was not considered. So, the petitioner filed a writ petition in W.P.No.19664 of 2004, which, by order dated 13.07.2004, was disposed of, remitting the matter back to the third respondent for passing appropriate orders under the Employees Pension Scheme 1995, provided the petitioner redeposits the entire provident fund amount which was settled in her favour. Pursuant to the said direction, the third respondent sent communication dated 07.01.2016 directing the petitioner to refund a sum of Rs.2,27,147/- towards Family Pension Fund/ Employees Pension Scheme Contributions for considering her case for sanction of family pension to her. Expressing difficulties in refunding of the said amount, the petitioner has filed this writ petition for the aforesaid relief.

3. Today, when the matter was taken up for consideration, the learned counsel for the petitioner submitted that the pensionary benefits due to the petitioner have not been disbursed, till date; and hence, any amount payable by her be deducted and the remaining amount of pensionary benefits be paid to the petitioner within a time frame to be stipulated by this Court.

4. There is no serious objection on the side of the respondents for granting such relief to the petitioner.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, the respondents are directed to settle the pensionary benefits along with arrears, after deducting the amount payable by the petitioner, if any, to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



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+1cc to M/s.S.Kishore Kumar, Advocate, S.R.No.17787
+1cc to M/s.V.J.Latha, Advocate, S.R.No.18065

W.P.No.1617 of 2017

SR-II (CO)
SB(09/08/2021)