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W.P. No. 21926 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 21926 of 2018

K.Kesavan

... Petitioner

-VS-

The Regional Provident Fund Commissioner
Employees Provident Fund Organisation
Salem.
(amended vide order dated 03.09.2018)

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondent to increase his pensionable service by adding weightage of two years based on his representation dated 02.07.2018 within the time stipulated.

For Petitioner : Mr. E.P.Senniyangiri

For Respondent : Mr. R.Thirunavukarasu,
Standing Counsel

ORDER

Heard Mr. E.P.Senniyangiri, Learned Counsel for the Petitioner and Mr. R.Thirunavukarasu, Learned Standing Counsel appearing for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.



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2. The Petitioner had made a representation dated 02.07.2018 to the Respondent for increasing his pensionable service by adding weightage of two years and since no action was taken thereon, the Writ Petition had been filed.

3. Learned Standing Counsel for the Respondent has produced a letter dated 26.11.2018 from the Respondent by which a reply has been sent to the Petitioner for the said representation stating as follows:-

“On verification of your pension payment order it is observed that you had rendered less than 20 years of service. Therefore, you are not eligible for weightage benefit in accordance with the provisions of EPS 1995 and circular cited in reference for pension calculation. Pensionable service details are furnished below:-

<i>Date of exit</i>	<i>15.11.1995</i>
<i>Date of joining</i>	<i>01.12.1981</i>
<i>Service</i>	<i>14 years 08 months 14 days</i>
<i>Break in service</i>	<i>11 months 25 days (355 days)</i>
<i>Past service</i>	<i>13 years 08 months 19 days</i>



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Date of exit 01.07.2004

Date of joining 16.11.1995

Pensionable service 08 years 07 months 17 days

NCP days 04 years 0 month 27 days (1487 days)

Pensionable service 04 years 06 months 18 days

Total service 18 years 03 months 07 days

This is for your kind information.”

A copy of the said letter has been furnished today to Learned Counsel for the Petitioner, who acknowledges the same.

4. In such circumstances, nothing remains for further consideration in the Writ Petition.

In fine, the Writ Petition is disposed. No costs.

11.04.2022

Maya

Index: Yes/No

Note: Issue order copy by 09.05.2022.



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To

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The Regional Provident Fund Commissioner
Employees Provident Fund Organisation
Salem.



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P.D. AUDIKESAVALU, J.

Maya

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