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W.P.No.4291 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4291 of 2017
and W.M.P.No.4489 of 2017

S.Shanmugm

...Petitioner

Vs.

- 1.Khadi Gramodyog Sangh,
Rep. by its Secretary,
No.844, Anna Salai, Chennai – 600 002.
- 2.Khadi Gramodyog Sangh Employees,
Superannuation Fund, rep. by its.
Chairman and Trustee,
No.844, Anna Salai, Chennai – 600 002.
- 3.Khadi and Village Industries Commission,
Rep. by its Director,
No.326, Avvai Shanmugam Salai,
Gopalapuram, Chennai – 600 086.
- 4.The Registrar of Societies,
District Registrar (Central),
No.20, Seethamal Colony,
Chennai – 600 018.

Respondents



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Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, call for the records of the impugned order in KGB.2016-2017/803 dated 13.02.2017 passed by the 1st respondent , quash the same and further direct the 1st respondent to disburse the pension to the petitioner as directed by this Hon'ble Division Bench of this High Court in W.A.Nos.880 to 892/13 & 578 to 588/13 dated 15.04.2015.

For Petitioner : Mr.V.V.Sathya

For Respondents : Mr.V.Kalyanaraman
for M/s.Aiyer and Dolia for R1

Mrs.C.Sangamithirai
Special Government Pleader for R3

Mr.E.Sundaram
Government Advocate for R4

No Appearance for R2

ORDER

The grievances of the writ petitioner is that the pension due to him was not paid by the respondent Khadi Gramodyog Sangh. The reply given



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by the respondents in proceedings dated 13.02.2017, regarding the implementation of the order passed in the Writ Appeal is under challenge in the present writ petition.

2. With reference to the said reply, the respondents filed a counter affidavit categorically stating that the petitioner is receiving monthly pension and he had already received the other benefits. The details in this regard are stated in Paragraph No.9 of the counter affidavit which reads as under:

9. I respectfully state under Clause 17 of the said Deed, the Institution was empowered to reserve its right to change, alter, amend or reduce the benefits and quantum of eligibility or to scrap the pension at its sole discretion. Clause 17 further reads that in the event of there being any pensionary benefit made available under any award or statute, the scheme shall and cease to apply. As already stated since the employees of the 1st respondent are covered under the Employees Provident Fund and Miscellaneous Provisions Act and had been



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admitted to Employees Pension Scheme, 1995, applying Clause 17, the Petitioner are not entitled for payment of pension under the superannuation fund. It is pertinent to bring to the notice of this Hon'ble Court that the Petitioner has been drawing a sum of Rs.3000/- towards pension under the Employees Pension Scheme, 1995 from the date of superannuation ie. from September 2011. Apart from the same, during the April 2017 a sum of Rs.1,34,000/ (Rupees One lakh thirty four thousand only) was paid to the petitioner towards arrears of pension ie. from September 2011 to March 2017 (67 months X Rs.2000/-). The Petitioner had been in receipt of sum of Rs.2,000/= towards pension from April 2017 to till date.

3.In view of the fact that the petitioner is receiving monthly pension under the Employees Pension Scheme, 1995 from the date of superannuation, no further adjudication is required. If at all any grievance exist in respect of fixation of pension or otherwise, the petitioner is at liberty to approach the competent authorities along with the details if any for redressing the grievances.



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4. Accordingly, this writ petition stands disposed of. No Costs.

Consequently, connected miscellaneous petition is closed.

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Index : Yes
Internet : Yes
Speaking order : Yes
ssr

To

1. The Secretary,
Khadi Gramodyog Sangh,
No.844, Anna Salai, Chennai – 600 002.
2. Chairman and Trustee,
Khadi Gramodyog Sangh Employees,
Superannuation Fund,
No.844, Anna Salai, Chennai – 600 002.
3. The Director,
Khadi and Village Industries Commission,
No.326, Avvai Shanmugam Salai,
Gopalapuram, Chennai – 600 086.



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S.M.SUBRAMANIAM, J.

SSR

4.The Registrar of Societies,
District Registrar (Central),
No.20, Seethamal Colony,
Chennai – 600 018.

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