



W.P.(MD)No.5991 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 5991 of 2016

D.Sivaguhan (died)

S.Subashini

....

Petitioner

[The petitioner is substituted vide order of this Court, dated 15.11.2022]

Vs.

1. The Managing Director,
M/s.Tamil Nadu Newsprint
and papers Limited,
No.67, Mound Road, Guindy, Chennai – 600 032.

2. The Managing Trustee,
Employees Provident Fund,
T.N.P.L., 67, Mound Road,
Guindy, Chennai – 600 032.

3. The Regional Provident
Fund Commissioner,
Sree Complex, Trichy.

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Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of ***Writ of Mandamus***, directing the respondents 1 and 2 to settle the entire provident fund accumulation, arrears of pension and disablement pension due to the petitioner with 18% per annum at once.



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For Petitioner : Mr.P.Ganapathi Subramanian
For R1 & R-2 : Mr.M.P.Senthil
For R-3 : Mr.N.Dilipkumar

ORDER

This Writ Petition has been filed for issuing *Writ of Mandamus*, directing the respondents 1 and 2 to settle the entire Provident Fund accumulation, arrears of pension and disablement pension due to the petitioner with 18% per annum at once.

2. The deceased petitioner/D.Sivaguhan was an employee under the respondent Nos.1 & 2 and he was working in Cement Plant site, due to the occupational hazards he underwent serious health problem, which ended in hip replacement. Since the petitioner's deteriorating health, he was forced to resign on 13.01.2015. Since the respondents have not paid any arrears under Employees' Provident Fund Scheme the petitioner is entitled for Employees Pension Scheme and Permanent Disablement Pension. Hence, the petitioner come forward this writ petition.



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3. This writ petition was filed on 23.03.2016. The respondents have paid the pension i.e., applicable to the petitioner to the tune of Rs.15,409/- on 18.05.2016, which was paid after filing of the writ petition. However, the respondent Nos.1 & 2 have already settled the payment of Provident Fund dues as final, to the tune of Rs.3,77,919/-, dated 14.03.2016, vide DD No.133525, which was paid even prior to the filing of the writ petition.

4. The petitioner has claimed disablement pension through his representation, dated 26.05.2014. The petitioner was entitled to get disablement pension also, that is why, he sought the respondents to refer the petitioner to the Medical Board. Finally, the petitioner died on 03.08.2017. Therefore, considering the facts of the case of the petitioner, this Court is inclined to grant *ex gratia* amount to the petitioner to the tune of Rs.15,000/- only.

5. The learned counsel appearing for the respondents submitted that the petitioner has occupied the Hostel and therefore he ought to pay a sum of Rs. 97,332.37.



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6. Considering the rival submissions, this Court is passing the following order:

1. The respondent Nos.1 & 2 are directed to pay a sum of Rs.15,000/-, as *ex gratia*, within a period of six weeks from the date of receipt of a copy of the order.
2. The petitioner is not entitled to any other settlement.
3. The respondent shall not collect the hostel payment of Rs.97,332.37.

7. With the above directions, this Writ Petition is disposed of. No

Costs.

Index : Yes / No
Internet : Yes
ksa

15.11.2022

S.SRIMATHY, J

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**Order made in
W.P.(MD)No.5991 of 2016**

15.11.2022