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W.P. No. 537 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2023

CORAM:

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

and

THE HON'BLE MR. JUSTICE K. RAJASEKAR

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&

W.M.P. No. 543 of 2019

1. M. Venugopalan
2. S. Chakkarappan
3. A.R. Mani
4. E. Srinivasan
5. M. Mohamed Iqbal
6. E. Vajiravelu
7. K. Anbalagan
8. M.B. Natarajan
9. K. Sampath
10. K. Venkatramani
11. A. Vetrivel
12. K. Nithyakalyani
13. R. Manoharan
14. V. Sudharsanam
15. G. Kumaravelu
16. M. Mohan
17. K.S. Ekambaram
18. G. Sampath
19. M. Perumal
20. T.V. Mohanan
21. K. Kandasamy
22. G. Muniappan
23. K. Samynathan
24. G. Mani
25. M. Laxmi
26. M. Paramasivam



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27. S. Kulasekaran
28. M. Hariharappan
29. C. Umapathy
30. H. Srinivasan
31. S.M. Somanathan
32. T.K. Kumaresan
33. M.K. Srinivasan
34. P. Murugesan
35. D. Thanigaarasu
36. N.K. Padmanaban
37. N.P. Palani
38. K. Arumugam
39. K.V. Elavazhagan
40. T. Sampath
41. A Vedagiri
42. P. Sundaramurthy

..Petitioners

Vs.

1. Union of India
represented by its Secretary to Government of India
Ministry of Labour & Employment
New Delhi 110 001
2. The Regional Provident Fund Commissioner,
Opp Swagat Hotel, Royapettah High Road,
Chennai, Tamil Nadu – 600 014.
3. The Assistant Provident Fund Commissioner,
(Pension),
Employees' Provident Fund Organization,
Regional Office, S.1, TNHB, Phase- III,
Sathuvachari, Vellore – 632 009.
4. Kancheepuram Central Cooperative
Bank Limited,
rep. by its General Manager,
Kancheepuram

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for

issue of a Writ of Mandamus directing respondents 1 to 3 herein to accept the



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return and remittance of the amounts being the difference between contribution on ceiling limit and contribution on actual wages disbursed to and withdrawn by the petitioners at the time of their retirement by superannuation without insisting on any payment of interest thereon and to pay the full pension based on their employer's contribution on actual wages remitted by employer of the petitioner with arrears and prospective payments in the light of the order of the Hon'ble Supreme Court dated 04.10.2016 in the case of R.C.Gupta and others V. Regional Provident Fund Commissioner, The Employees Provident Fund Organisation and others.

For Petitioners :: Mr.P.K. Rajagopal

For Respondents :: Mr.R. Subramanian,
Addl. Central Govt. Standing
Counsel for R1
Mr.R. Vishnu for R2 & R3
Mr.R. Nandhini for
Mr. R. Gopinath for R4

ORDER

(Made by S. Vaidyanathan,J.)

This writ petition is filed for issue of a Writ of Mandamus directing respondents 1 to 3 herein to accept the return and remittance of the amounts being the difference between contribution on ceiling limit and contribution on actual wages disbursed to and withdrawn by the petitioners at the time of their retirement by superannuation without insisting on any payment of interest thereon and to pay



the full pension based on their employer's contribution on actual wages remitted by employer of the petitioner with arrears and prospective payments in the light of the order of the Hon'ble Supreme Court dated 04.10.2016 in the case of R.C.Gupta and others V. Regional Provident Fund Commissioner, The Employees Provident Fund Organisation and others.

2. Today, when this matter was taken up for hearing, Mr. Vishnu, learned Standing Counsel for respondents 2 & 3/EPFO submitted that the issue involved in this writ petition is covered by the order passed by a Coordinate Bench of this Court in **P. Chandrasekaran v Union of India & 4 others**¹, in which, one of us (SVNJ) was a member, which was rendered following the 3 Judge Bench judgment of the Supreme Court in **The EPFO and another v Sunil Kumar B. and others, etc.**².

3 However, according to Mr. Vishnu, paragraph 4 of the order passed by this Court in **P. Chandrasekaran, supra**, which reads as under, cannot survive any more, in view of the fact that the time granted by the Supreme Court in **Sunil Kumar B., supra**, had already expired on 11.07.2023:

“4. If the employees could not access the site, they shall take a screenshot and enclose the same with the hard copy to enable the Employees (sic) Provident Fund Organisation to process their option forms.”

The submission made by Mr. Vishnu in paragraph 3, *supra*, is recorded and



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in view of the submission made by him in paragraph 2, *supra*, this writ petition also is disposed of on the same terms in which **P. Chandrasekaran**, *supra*, was disposed of. No costs. Connected C.M.P. is closed.

(S.V.N., J.) (K.R.S., J.)
25.09.2023

nv

To

1. The Secretary to Government of India
Ministry of Labour & Employment
New Delhi 110 001
2. The Regional Provident Fund Commissioner,
Opp Swagat Hotel, Royapettah High Road,
Chennai, Tamil Nadu – 600 014.
3. The Assistant Provident Fund Commissioner,
(Pension),
Employees' Provident Fund Organization,
Regional Office, S.1, TNHB, Phase- III,
Sathuvachari, Vellore – 632 009.
4. Kancheepuram Central Cooperative
Bank Limited,
rep. by its General Manager,
Kancheepuram.

S. VAIDYANATHAN, J.



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