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W.P.No.12728 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.12728 of 2020

P.Shanmugavel

Petitioner

Vs

1. The Chairman
Chennai Central Co-Operative Bank,
Employees Provident Fund Trust
No.215, Prakasam Salai (Broadway)
Chennai 600 108.
2. The Managing Director
Chennai Central Co-Operative Bank,
Employees Provident Fund Trust
No.215, Prakasam Salai (Broadway)
Chennai 600 108.
3. Regional Provident Fund Commissioner,
(South) Grade – I
No.37, Royapetta High Road
Chennai – 600 014

Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to disburse in full the Provident Fund contribution made by the second respondent management lying in the hands of the first respondent trust towards my account with eligible interest and also the pension arrears payable to me



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under the Employees Pension Scheme with interest at the rate of 12% per annum.

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For petitioner : Mr.S.Sadasharam
For R1 and R2 : Mr.Gandhi Subramanian
For R3 : Mr.D.Gopal
Government Advocate

ORDER

The case of the petitioner is that he was employed as a Clerk in the second respondent bank in the year 1976 and was promoted to the post of Assistant Manager from 27.01.2010. Due to certain irregularities committed by him he was dismissed from service by the competent authority, following which, he preferred an appeal that is currently pending on the file of the Chief Judge, Court of Small Causes at Chennai. Subsequently, he filled writ petitions being W.P.Nos.5429 and 5434 of 2019 and this Court, *vide* order dated 02.04.2019, directed him to deposit a sum of Rs.10,80,000/- for numbering the appeal and he had complied with the said order.

2. The learned counsel appearing for the petitioner submitted that he is a member of the Provident Fund scheme applicable to the second



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respondent under the control of the first respondent. He withdrew a part of his share which he had paid from his salary. But the employer's contribution made by the second respondent under the control of the first respondent, was not paid to him. Though the petitioner was eligible to get pension amount and the due arrear amount, he was not paid. While so, he submitted Form 10-D (EPS) to the first respondent dated 04.10.2019. In spite of repeated representations to the respondents, his Provident Fund amount and pension amount with interest has not been disbursed yet.

3. Aggrieved by the same, the petitioner has come forward with the present writ petition, seeking a direction to the respondents to disburse in full the Provident Fund contribution made by the second respondent management lying in the hands of the first respondent trust towards his account with eligible interest and also the pension arrears payable to him under the Employees Pension Scheme with interest at the rate of 12% per annum.



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4. The learned counsel appearing for the respondents submitted that a common counter affidavit has been filed on behalf of the first and second respondents. The relevant portions are extracted here under:

"15. I submit that with regard to the petitioner's PF settlement, the employer's contribution of the provident fund of Rs.5,81,407 has been settled. The same was transferred to his savings bank account No.205016407, Anna Salai Branch, C.C.bank on 25.05.2023 and the same was intimated to the Employee provident fund officer on the same day through the email dated 25.05.2023. Accordingly, there is no pending contribution of the provident fund to be settled against the petitioner.

16. I submit that with regard to monthly pension, the petitioner, instead of approaching the Respondent No.1 and 2 management, has to apply the 10-D application through the online portal of EPFO for his pension under the Employees Pension Scheme 1995."

5. From the above, it is clear that all the Provident Fund dues have been settled to the petitioner and in regard to the pension arrears, the petitioner is advised to file a 10 D application through the Online portal of the EPFO.



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In view of the above submissions, the petitioner is at liberty to approach the respondents for the same and this writ petition is disposed of accordingly. No costs.

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vca

Index : Yes/No

Speaking Order : Yes/No

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