



WP.No.3892/2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED 10.08.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

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- 1.M.Sivasubramaniam
- 2.P.P.Pattappan
- 3.L.S.Sengottaiyan
- 4.C.Kuttiappan
- 5.P.S.Ramalingam
- 6.C.Marimuthu
- 7.A.Gopalan
- 8.C.Sengottaian
- 9.P.Periasamy
- 10.A.Mylsamy
- 11.G.A.Kadirvelu
- 12.P.Ramasamy
- 13.E.M.Ramu
- 14.M.G.Narayanasamy
- 15.C.Samiyappan
- 16.S.Natarajan
- 17.S.R.Gopal
- 18.T.S.Velusamy
- 19.R.Muthusamy
- 20.E.M.Chinnusamy
- 21.A.Lakshmanan
- 22.P.K.Subramanian
- 23.C.Govindaraju
- 24.S.A.Dhandapani
- 25.R.Ponnusamy
- 26.P.Rajamani



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27.D.Arunasalam
28.K.Natarajan
29.K.M.Deivasigamani
30.C.Karuppusamy
31.P.Chinnusamy
32.K.T.Ramasamy
33.S.Krishnasamy
34.S.Ramachandran
35.P.Palanisamy
36.K.S.M.Eswaran
37.M.P.Dhandapani
38.A.Balasubramanian
39.S.Ponnusamy
40.R.Periyasamy
41.C.Kandasamy
42.P.C.Subramaniam
43.S.Periyasamy
44.K.Palanisamy
45.A.M.Palanisamy
46.N.Rajaiah
47.B.P.Thangavelu
48.Ramayammal
49.M.P.Shanmugam
50.S.Arthanari
51.D.Rajan
52.M.Duraisamy
53.N.Eswaramurthy
54.P.Subbranim
55.V.Shanmugam
56.S.Ramaraj
57.K.Chinnasamy

... Petitioners

Versus

1.The Government of Tamil Nadu
rep.by its Secretary,



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Department of Cooperative, Food
and Consumer Department,
Fort St George, Chennai 600 009.

- 2.Registrar of Cooperative Societies
O/o.The Registrar of Coop. Societies,
No.170, Periyar EVR Salai
Kilpakkam, Chennai 600 010.
- 3.The Management of Erode District
Central Coo. Bank, Bhavani Main Road
PB No.558, Erode-3, rep.by Chairman.
- 4.The Regional Employees Provident Fund
Commissioner-1, Regional Office
No.37, Royapettah High Road
Royapettah, Chennai-600 014.

... Respondents

**** R4 suo motu impleaded by order dated 10.08.2023**

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records pertaining to the G.O.Ms.No.180 dated 11.11.2010 of Cooperative, Food and Consumer Department and G.O.Ms.No.133 dated 05.12.2014 of Cooperative, Food and Consumer Department and quash that portion of those G.Os providing for differential treatment to the employees who had retired from services after the introduction of the Employees Pension Scheme 1995 and those who had retired from service prior to the introduction of the said Scheme and further direct the 2nd respondent to give necessary direction to the 3rd respondent to pay the difference in the amount



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paid to them and the ex-gratia amount fixed in the above G.Os.

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For Petitioners	:	Mr.R.M.D.Nazarullah
For R1	:	Mr.S.Ravikumar, Spl.GP
For R3	:	Mr.L.P.Shanmugasundaram

ORDER

- (1) Learned counsel for the petitioners sought time stating that there was a direction by my learned Predecessor by the order dated 05.06.2023 to implead the Employees' Provident Fund Authorities.
- (2) Learned counsel stated that he had forwarded an affidavit to the petitioners who have not yet signed it. At any rate, let the matter be not kept pending for that particular reason. The Court **suo motu** impleads the Regional Employees' Provident Fund Commissioner-1, Regional Office, No.37, Royapettah High Road, Royapettah, Chennai-600 014, as the 4th respondent herein.
- (3) Registry to carry out necessary amendment in the cause title impleading the said official as the 4th respondent before issuing the order copy.
- (4) The writ petition has been filed in the nature of a certiorarified



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mandamus seeking records relating to G.O.Ms.No.180 dated 11.11.2010 of Cooperative, Food and Consumer Department and G.O.Ms.No.133 dated 05.12.2014 of Cooperative, Food and Consumer Department and to quash that portion of those Government Orders providing for differential treatment to the employees who had retired from services after the introduction of the Employees Pension Scheme 1995 and those who had retired from service prior to the introduction of the said Scheme. The petitioners further seek a direction to the 2nd respondent, the Registrar of Cooperative Societies, to give necessary direction to the 3rd respondent, Chairman, Management of Erode District Cooperative Bank, to pay the difference in the amount paid to them and the ex-gratia amount fixed in the above Government Orders.

- (5) As stated, the Employees' Provident Fund Commissioner, who has been now impleaded as the 4th respondent, was also a party to Civil Appeal No.8143/2022 [**EPFO Vs. Sunil Kumar**]. The Hon'ble Supreme Court, by an order dated 04.11.2022, had directed that the eligible employees and his/her employer must submit a joint operation



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of EPS'95 Scheme within a period of four months from the date of the said judgment. Similar orders have been passed by the learned Single Judges of this Court when issues have been raised extending the time for giving such an option.

- (6) Learned Special Government Pleader also brought to the notice of this Court, G.O.Ms.No.44, Cooperative, Food and Consumer Department dated 03.04.2023, where the Government of Tamil Nadu had also passed a Government Order in accordance with the same and it is stated to equalise the payment, every employee would get a sum of Rs.5,500/- as pension and for Family Pension, a sum of Rs.2,750/- would be given. The amount of Rs.5,500/- was an increase from Rs.4,500/- and the sum of Rs.2,750/- was an increase from Rs.2,250/- .
- (7) Therefore, the option is given to the petitioners herein to give their option as directed in CA.No.8143/2022 **[EPFO Vs. Sunil Kumar]** and to submit a joint option under the scheme of EPS'95 within a period of four months from the date of receipt of a copy of this order.



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(8) Giving that particular liberty to the petitioners herein, the writ petition

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10.08.2023

AP

Internet : Yes

NOTE:Issue order copy on 22.08.2023

To

- 1.The Secretary,
Government of Tamil Nadu
Department of Cooperative, Food
and Consumer Department,
Fort St George, Chennai 600 009.
- 2.Registrar of Cooperative Societies
O/o.The Registrar of Coop. Societies,
No.170, Periyar EVR Salai
Kilpakkam, Chennai 600 010.
- 3.The Chairman
Management of Erode District
Central Coo. Bank, Bhavani Main Road
PB No.558, Erode-3.
- 4.The Regional Employees Provident Fund
Commissioner-1, Regional Office
No.37, Royapettah High Road
Royapettah, Chennai-600 014.



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C.V.KARTHIKEYAN, J.,

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