



W.P.(MD) No.12135 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.12135 of 2020
and WMP (MD) No.10444 of 2020

M.Baskaran

... Petitioner

-VS-

1.The Regional Provident Fund Commissioner
Employee Provident Fund Organisation,
Regional Office,
Lady Doak College Road,
Madurai 625 002.

2.A1237 Kullalakundu Primary Agricultural
Cooperative Credit Society Ltd.,
rep. Through its Secretary,
Kullalakundu Post, Anaipatti Road
Nilakottai Taluk
Dindigul District 624 201.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 1st respondent to receive the difference of amount payable by the petitioner and on such return pay higher pension, in the light of the judgment of the Hon'ble Supreme Court in



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SLP No.10013 to 10014/2016 within the time stipulated by this Court.

For Petitioner : Mr.V.O.S.Kalaiselvam
For Respondents : Mr.A.John Xavier for R1
Mr.G.Arunachalam for R2

ORDER

The writ petition has been filed for a mandamus to direct the 1st respondent to receive the difference of amount payable by the petitioner and on such return pay higher pension, in the light of the judgment of the Hon'ble Supreme Court in SLP No.10013 to 10014/2016 within the time stipulated by this Court.

2. The learned counsel for the petitioner would submit that the petitioner worked as a Secretary of the 2nd respondent Society and retired on 31.08.2018. He was sanctioned with the monthly reduced pension under pension payment order. His contribution under the EPF scheme, was remitted on wage ceiling of Rs.5,000/- from 16.11.1995 upto 31.05.2000, on Rs.6500/- from 01.06.2001 to 31.08.2014 and on Rs.15,000/- from 01.09.2014 till his superannuation, however, not on actual wages. It is his case that the Apex Court has directed the Regional Provident Fund



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Commissioner to permit the members to seek the return of all amounts that the employees may have taken or withdrawn before granting the benefit of the proviso to clause 11(3) of the Pension Scheme. Accordingly, the petitioner volunteered to remit back the amount withdrawn by him and requested to pay the new pension amount and he is ready to return the entire amount withdrawn by him with interest and he has also given a declaration. Similar undertaking was also issued by the employer. It is his case that as per the direction of the Apex Court, the petitioner is entitled for revised pension and hence prays for appropriate direction.

3. The learned counsel for the respondents would submit that after disposal of the Special Leave Petition by the Apex Court, the respondent is calculating to disburse the amount in favour of the petitioner and the entire amount will be disbursed in favour of the petitioner as per the order in the said SLP by the Apex Court within a period of four weeks.

4. In view of the fair submission made by the learned counsel for the respondents, the second respondent is directed to settle the entire



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amount as directed by the Apex Court within a period of four weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petition is closed.

23.01.2023

NCC : Yes/No

Index : Yes/No

RR

To

1. The Regional Provident Fund Commissioner
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M.DHANDAPANI, J.

RR

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