



W.P.(MD) No.12852 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.12852 of 2020

and

W.M.P(MD)No.3724 of 2021

M.Muthuthevan

... Petitioner

-VS-

1.The Additional Central Provident
Fund Commissioner (Pension),
Employees Provident Fund Organisation
(Ministry of Labour and Employment),
Government of India,
Bhavishya Nidhi Bhavan,
14 Bhikaji Cama Place,
New Delhi 110 066.

2.The Provident Fund Commissioner,
Regional Employees Provident Fund Organisation,
Lady Doad College Road,
Madurai – 625 002.

3.The President,
A 2972 Ramarajapuram Primary
Agricultural Cooperative Credit Society
Ramajarapuram,
Nilakkottai Taluk, Dindigul District.

... Respondents



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Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the second respondent herein to disburse the petitioner's full monthly pension on the basis of his representation dated 02.04.2019 in the light of the judgment of the Hon'ble Supreme Court in S.L.P.Nos.10013 to 10014 of 2016 and W.P(C)No.13120 of 2015 before the Hon'ble Division Bench of High Court of Kerala, dated 22.08.2014 within the time stipulated by this Hon'ble Court.

For Petitioner	:Mr.C.Jeganathan
For R-1 & R-2	:Mr.K.Murali Sankar
For R-3	:No Appearance

ORDER

The writ petition has been filed for a Mandamus to direct the second respondent herein to disburse the petitioner's full monthly pension on the basis of his representation dated 02.04.2019, in the light of the judgment of the Hon'ble Supreme Court in SLP.Nos.10013 to 10014/2016 within the time stipulated by this Court.



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2. The learned counsel for the petitioner would submit that the petitioner worked in the 2nd respondent Society and retired from service. He was sanctioned with the monthly reduced pension under pension payment order. His contribution under the EPF scheme, was remitted on wage ceiling, however, not on actual wages. It is his case that the Apex Court has directed the Regional Provident Fund Commissioner to permit the members to seek the return of all amounts that the employees may have taken or withdrawn before granting the benefit of the proviso to clause 11(3) of the Pension Scheme.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, it is the case of the petitioner 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 Petitions by the Apex Court, the respondents are calculating to disburse the amount in favour of the employees and the entire amount will be disbursed in favour of the employees in terms of the order passed in the SLPs by the Apex Court within a period of four weeks.



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4. In view of the fair submission made by the learned counsel for the respondents, the second respondent is directed to settle the entire amount as directed by the Apex Court in S.L.P.Nos.10013 to 10014 of 2016, 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.

01.02.2023

NCC : Yes/No
Index : Yes/No

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M.DHANDAPANI, J.

pm

W.P.(MD) No.12858 of 2020

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