



W.P.(MD)No.14192 of 2020

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 09.02.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.(MD)No.14192 of 2020**

**and**

**W.M.P(MD)No.11851 of 2020**

V.Ramakrishnan

... Petitioner

Vs.

- 1.The Government of India  
represented by its Secretary to Government,  
Ministry of Labour and Employment  
Shram Shakthi Bhawan,  
Rafi Marg,  
New Delhi 110 001.
- 2.The Regional Provident Fund Commissioner -1,  
Employees Provident Fund Organisation,  
Ministry of Labour, Government of India),  
Regional Office,  
Bhavishyanidhi Bhavan,  
Dr.Balasubdaram Road,  
Coimbatore 641 018.
- 3.The Accounts Officer (Pension),  
Employees Provident Fund Organisation,  
Sub Regional Office, P.B.No.588, Sree Complex,  
“D” Block, No.18, Madurai Road, Trichirapalli 620 008.

... Respondents



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**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the 3<sup>rd</sup> respondent in No.CB/TRY/4480/IB/Pension/2016, dated 18.11.2017 and quash the same and consequently directing the respondents to restore the original pension payable to the petitioner in the post of Checking Inspector in the erstwhile Thiruvalluvar Transport Corporation, retired on 31.06.1999 after deductions from the regular pension for 100 months from the date of retirement and consequently refund the deductions made form the regular pension beyond 100 times in realization of commutation along with interest payable to the petitioner.

For Petitioner : Mr.C.Sivanesan  
For R1 : Mr.S.Jeyasingh  
For R2 : Mr.N.Dilipkumar

### **ORDER**

This writ petition has been filed challenging the impugned proceedings of the third respondent dated 18.11.2017 and to quash the same and consequently direct the respondents to restore the original pension payable to the petitioner in the post of Checking Inspector in the erstwhile Thiruvalluvar Transport Corporation, after deductions from the regular



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pension for 100 months from the date of retirement and consequently refund the deductions made from the regular pension beyond 100 times in realisation of commutation along with interest payable to the petitioner.

2. The case of the petitioner is that he worked as a Conductor in Thiruvalluvar Transport Corporation and retired as Checking Inspector in the year 1999. He was not governed by the Tamil Nadu Pension Rules. He is being given the benefit of Employees Pension Scheme 1995, by Employees Provident Fund Organisation under the provisions of Employees Provident Fund Act. Accordingly, the petitioner was fixed the monthly pension of Rs. 450/- per month. As per the Employees Pension Scheme 1995, he is entitled for monthly pension and return of capital value that is payable on demise of original pensioner.

3. It is the further case of the petitioner that the Employees Pension Scheme, 1995, also envisages the pensions to avail commutation to an extent of  $1/3^{\text{rd}}$  of his monthly pension multiplied by 100 which is repayable by deduction from the original monthly pension, as per Clause



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12(A) of the Employees Pension Scheme, 1995. As per Clause 12(A) of the said Scheme, a member is permitted to commute up to a maximum of one third of his pension so as to receive hundred times the monthly pension so commuted as commuted value of pension. He was sanctioned the monthly pension of Rs.450/- at the time of retirement in June 1999 and he requested for an advance from his pension of Rs.450/- as commutation and he was sanctioned a sum of Rs.15,988/- towards commutation. The commutation is deducted at the rate of Rs.150/- per month from his monthly pension of Rs. 450/-. The petitioner thought that his pension would be restored to its original position after the Department receiving hundred times the monthly pension so commuted. Hence, he made a representation to the respondents to restore the original pension payable to the petitioner in the post of Checking Inspector in Thiruvalluvar Transport Corporation. However, the same was rejected by the impugned order of the third respondent, dated 18.11.2017. Challenging the same, the present writ petition has been filed.

4. The learned counsel appearing for the petitioner would submit that initially he was sanctioned a sum of Rs.15,988/- towards commutation.



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However, the said amount was deducted from his monthly pension and even after receiving 100 times the monthly pension, his pension was not restored to its original position. Hence, he prayed for setting aside the impugned order passed by the third respondent.

5. The third respondent has filed a counter stating that Employees Pension Scheme, 1995, was amended and a new Clause “12-B Restoration to normal pension in cases of grant of commutation” has been inserted, which says that the normal pension in respect of those members who availed the benefit of commutation of pension under the erstwhile paragraph 12-A of this Scheme, on or before 25<sup>th</sup> day of September 2008, shall be restored after completion of fifteen years from the date of such commutation. On issuance of Central Government Notification, dated 20.02.2020, the third respondent organisation has taken steps to restore the 1/3<sup>rd</sup> amount of Rs. 171/- with effect from the date of completion of 15 years and arrears of Rs. 13,253/- has been released and credited to the petitioner's Bank account during the month of April 2020 and thereafter monthly pension of Rs.966/- is being paid every month to the petitioner. Hence, restoration of commuted



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pension amount on completion of 100 months from the date of option for commutation is not maintainable as per law.

6. In view of the above, no further order is necessary in this writ petition. Therefore, this Writ Petition is closed. However, the respondents are directed to pay full eligible monthly pension to the petitioner every month. No costs. Consequently, the connected Miscellaneous Petitions are closed.

**09.02.2023**

NCC : Yes/No  
Index : Yes / No  
Speaking Order : Yes / No

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To

1. The Government of India  
represented by its Secretary to Government,  
Ministry of Labour and Employment  
Shram Shakthi Bhawan,  
Rafi Marg,  
New Delhi 110 001.



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2. The Regional Provident Fund Commissioner -1,  
Employees Provident Fund Organisation,  
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Dr.Balasubdaram Road,  
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3. The Accounts Officer (Pension),  
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**M.DHANDAPANI,J.**

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