



W.P.(MD)No.8 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2023

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.8 of 2020
and
W.M.P.(MD)No.2 of 2020

P.Venkataraman

... Petitioner

Vs

- 1.The Commissioner,
Central Provident Fund Organization,
Bhavishya Nidhi Bhvan,
No.14, Bhikaji Coma Block,
New Delhi-110066.
- 2.The Regional Provident Fund Commissioner,
Employees' Provident Fund Organization,
Regional Office,
No.1, Lady Doak College Road,
Chokkikulam,
Madurai - 625 002.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the second respondent in MD/MDU/Pen-



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II/PPO/41894/2018 dated 25.09.2018 quash the same and forbear respondent from making recovery from the petitioner's pension towards the amount as commuted value of pension.

For Petitioner : Mr.M.N.Ramkumar
For R1 to R3 : Mr.K.Murali Shankar
Standing Counsel

ORDER

Heard the learned counsel for the writ petitioner and the learned standing counsel for the respondent.

2. The petitioner was working in Aavin. He retired on attaining superannuation on 30.09.2005. The petitioner was eligible to draw pension under the Employees Provident Fund Act, 1995. His pension was fixed at Rs.1189/- per month. The petitioner was also paid a sum of Rs.39,600/- towards commuted value. To that extent monthly deduction has also been made. While so, the monthly pension payable to the petitioner was revised as Rs.1379/-. Since deduction continued to be made from the petitioner's



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pension, the petitioner filed the present writ petition. An order of interim injunction was granted in favour of the petitioner on 03.01.2020. During the pendency of the writ petition, the Government of India amended the Employees Provident Fund Act, 1995 and inserted Para-12B. It reads as follows:

"12B. Restoration to normal pension in cases of grant of commutation. - The normal pension in respect of those members who availed the benefit of commutation of pension under the erstwhile paragraph 12A of this Scheme, on or before the 25th day of September, 2008, shall be restored after completion of fifteen years from the date of such commutation."

3. The petitioner is obviously entitled to the benefit of the amendment. The petitioner is entitled to restoration of the original pension with effect from 30.09.2020. Ofcourse, since the petitioner enjoyed interim injunction during the intervening period of eight months, he has to necessarily pay the excess amount. The interim order earlier granted in this writ petition is made absolute. The petitioner will be entitled to the monthly pension amount of Rs.1379/- subject to revision that may be made in future.



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The petitioner is directed to pay forthwith the excess amount to the second respondent.

4. This writ petition is allowed on these terms. I also place on record the submission of the learned Standing Counsel for the respondents that the petitioner's original pension has already been restored. Consequently, connected miscellaneous petition is closed. No costs.

08.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes / No

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G.R.SWAMINATHAN, J.

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