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W.P.Nos.28877 of 2024 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

**W.P.Nos.28877, 28878, 28881, 28889, 28890, 28892, 28893, 28899,
28900, 28902, 28919, 28921, 28922 of 2024 and
W.M.P.Nos.31499, 31500, 31502, 31515, 31516, 31518, 31519, 31525,
31527, 31531, 31561, 31563 & 31564 of 2024**

W.P.No.28877 of 2024

Jaya

... Petitioner

Vs.

1.The Central Provident Fund Commissioner,
The Employees Provident Fund Organisation,
(Ministry of Labour & Employment),
Plate A Ground Floor, Office Block - II,
East Kidwai Nagar, New Delhi - 110 023.

2.The Assistant P.F. Commissioner (Pension),
The Employees Provident Fund Organisation,
(Ministry of Labour & Employment)
Regional Office, Bhavishya Nidhi Bhavan,
Dr.Balasundaram Road, Coimbatore - 641 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Certiorarified Mandamus, to call for the records of the
second respondent in proceedings No.CB/CBE/Pension/PoHW/AAI/2024



W.P.Nos.28877 of 2024 etc.

dated 29.08.2024 and consequential proceedings
No.CB/CBE/Pension/PoHW/AAI/2024 dated 13.09.2024 and quash the
same and direct the second respondent to pay the pension that has
already accrued to the petitioner.

For Petitioner : Mr.Anand Gopalan for
Mr.A.Umapathy

For Respondents : Mrs.R.Meenakshi

COMMON ORDER

These Writ Petitions have been filed by the pensioners covered
under the Provident Fund Act whose pension has been deducted through
the impugned communication dated 29.08.2024 and the calculation
details sent on 13.09.2024.

2. Heard Mr.Anand Gopalan, learned counsel for the petitioners in
all Writ Petitions and Mrs.R.Meenakshi, learned counsel for the
respondents in all Writ Petitions and perused the materials available on
record.

3. Mr.Anand Gopalan, learned counsel for the petitioners



W.P.Nos.28877 of 2024 etc.

submitted that the second respondent has sent the above communication without putting the petitioners on notice and the petitioners were not able to give their explanation as to their entitlement to draw the present pension itself without any deduction.

4. Mrs.R.Meenakshi, learned counsel for the respondents submitted that the petitioners were given with notice earlier by stating the reason as to why the pension is going to be deducted.

5. The attention of this Court was drawn to the communication dated 29.08.2024, wherein, it is stated that, on verification, it is found that the pension has been sanctioned erroneously by taking the average of the last 60 months salary for calculating it and that led to the sanction of excessive monthly pension. A calculation sheet was furnished on 13.09.2024 and that would show that the respondents have implemented the revision even before hearing the petitioners in pursuance to the notice given on 29.08.2024.



W.P.Nos.28877 of 2024 etc.

6. Such pre-determination will deprive the petitioners' right of getting proper and fair opportunity of hearing. The impugned orders have been passed affecting the interest of the petitioners and that too a drastic deduction in the pension so far drawn by them. It is not fair on the part of the respondents to effect it immediately without giving any opportunity to the petitioners to make their submissions. Though notices have been given, no time limit has been prescribed calling upon the petitioners to submit their explanation as to how they are entitled to get pension that was already sanctioned.

7. Since the impugned orders have been passed in an arbitrary manner and without affording any reasonable opportunity to the petitioners, I feel, the impugned orders are liable to be set aside.

8. Accordingly, these Writ Petitions are allowed and the impugned orders dated 29.08.2024 and 13.09.2024 are set aside. The respondents are directed to re-initiate the exercise of calculating pension after giving proper notice to the petitioners and giving them an opportunity to make



W.P.Nos.28877 of 2024 etc.

their submissions and after considering the same, the respondents shall pass appropriate orders in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

30.09.2024

To

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R.N.MANJULA, J.

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