



W.P.(MD)No.14803 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.14803 of 2024

K.Eluvan

... Petitioner

Vs.

1. Employees Provident Fund Organization,
Ministry of Labour and Employment,
Government of India,
Royapettah High Road,
Chennai-600 014,
Represented by Regional Commissioner.

2. The Managing Director,
Tamil Nadu Minerals Limited,
Chepauk,
Chennai-600 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to make necessary changes in the petitioner's EPF Account Number TN/MAS00.12173/000/0001294 in respect of the petitioner's date of joining at 16.10.1982 and consequently directing to issue a revised pension to the petitioner based on his representation dated 28.01.2022.



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For Petitioner : Mr.C.Ezhilarasu
For R-1 : Mr.A.John Xavier,
Standing Counsel
For R-2 : Mr.T.Amjad Khan,
Government Advocate

ORDER

Heard Mr.C.Ezhilarasu, learned counsel appearing for the petitioner, Mr.A.John Xavier, learned Standing Counsel appearing for the first respondent and Mr.T.Amjad Khan, learned Government Advocate appearing for the second respondent.

2. This Writ Petition has been filed seeking a direction to the respondents to make necessary changes in the petitioner's EPF Account Number TN/MAS00.12173/000/0001294 in respect of the petitioner's date of joining at 16.10.1982 and consequently directing to issue a revised pension to the petitioner based on his representation dated 28.01.2022.

3. The petitioner joined in the respondent Corporation as an 'Unskilled Worker' in the year 1982 and he retired from service as 'Semiskilled Worker' under the Voluntary Retirement Scheme on 30.04.2021. The grievance of the



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petitioner is that in his Employment Provident Fund records, the date of joining of the petitioner is wrongly mentioned as 01.03.1987. But his actual date of joining is 16.10.1982. Hence, he made a representation to the respondents on 28.01.2022 to make necessary changes in his EPF Account No. TN/MAS00.12173/000/0001294 in respect of his date of joining as 16.10.1982. Since the same has not been considered by the respondents so far, the present petition has been filed.

5. It is needless to point out that whenever a representation of this nature is made to a Government Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through the issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.



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6. Accordingly, this Writ Petition is **disposed of** with a direction to the first respondent herein to consider the petitioner's representation dated 28.01.2022 on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the first respondent to consider the same on its own merits.

7. With the above direction, the Writ Petition stands disposed of. No costs.

09.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG
To
The Managing Director,
Tamil Nadu Minerals Limited,
Chepauk,
Chennai-600 005.



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R.N.MANJULA, J.

TSG

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