



WP.(MD).No.15774 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.15774 of 2022

Pandiyan Grama Bank Retired Officers-
Association (PGBROA) (Regn.No.27/2016),
Rep. By its General Secretary,
Mr.M.Radhakrishnan,
No.32,TamilSNGAM Road,
Madurai -1.

... Petitioner

Vs.

Tamil Nadu Grama Bank,
Rep. By its Chairman,
Administrative Office,
6-Yerkad Road,
Hasthampatti,
Salem – 7.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent Bank to reimburse/recredit the excess amount collected towards EPF employers contribution from all the members of the petitioner Sangam in their respective accounts.

For Petitioner	: Mr.N.Marimuthu
For Respondent	: Mr.N.Dilipkumar
	Standing counsel



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ORDER

WEB COPY By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.This Writ Petition has been filed for issuance of a Writ of Mandamus, to direct the respondent Bank to reimburse/recredit the excess amount collected towards EPF employers contribution from all the members of the petitioner Sangam in their respective accounts.

3.The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner is an Association of retired employees of the respondent Bank. As per Pension Regulations, 2018, Chapter II, the employees have to refund the entire final amount received by them but without requiring to pay interest as such final amount from the date of receipt of such final amount to the date of refund. On that basis, all the retired employees of the respondent Bank had remitted the amount for the Bank contribution as instructed by the Management. On verifying the fund remitted as Bank contribution to the provident fund, the same was lower than the amount



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remitted to the corpus fund. Hence, all the employees had sent the request letter to re-credit the excess amount collected as Bank contribution. The petitioner Association has made representations in this regard on 14.12.2021 and also on 02.03.2022. However, the same was not considered. Hence, this Writ Petition came to be filed.

4. Heard the learned counsel appearing for the petitioner, the learned Standing counsel appearing for the respondent and carefully perused the entire materials available on record.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.



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6.In view of the same, without going into merits of the case, this Court hereby direct the respondent to consider the petitioner's representations dated 14.12.2021 and 02.03.2022 and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of copy of this order.

7.In view of the above, this Writ Petition stands disposed of.
There shall be no order as to costs.

05.03.2024

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

To

Tamil Nadu Grama Bank,
Rep. By its Chairman,
Administrative Office,
6-Yerkad Road,
Hasthampatti,
Salem – 7.



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L.VICTORIA GOWRI, J.

Mrn

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