



W.P.(MD) No.16125 of 2020 etc., batch

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) Nos.16125, 16127, 16128,
16129, 16131 and 16135 of 2020

W.P.(MD) No.16125 of 2020:

S.Balakrishnan

... Petitioner

Vs.

1.The Central Provident Fund
Commissioner (Pension),
Employees Provident Fund Organisation,
(Ministry of Labour and Employment),
Government of India,
Bhavishya Nidhi Bhavan,
14, Bhikaji Cama Place,
New Delhi-110 066.

2.The Additional Central Provident Fund
Commissioner (Pension),
Employees Provident Fund Organisation,
(Ministry of Labour and Employment),
Government of India,
Bhavishya Nidhi Bhavan,
14, Bhikaji Cama Place,
New Delhi-110 066.



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3.The Provident Fund Commissioner,
Regional Employees Provident Fund Organisation,
Lady Doak College Road,
Madurai-625 002.

4.The Chairman cum Managing Director,
Tamilnadu Cements Corporation Limited,
LLA Building, 735, Anna Salai,
Chennai-600 002.

5.Unit Head,
Tamilnadu Cements Corporation Limited,
Alangulam Works-626 127,
Virudhunagar District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus to consider the petitioner's representations dated 28.02.2018 and 31.08.2020.

W.P.(MD) No.16127 of 2020:

G.Govindan

... Petitioner

Vs.

1.The Central Provident Fund
Commissioner (Pension),
Employees Provident Fund Organisation,
(Ministry of Labour and Employment),
Government of India,
Bhavishya Nidhi Bhavan,



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14, Bhikaji Cama Place,
New Delhi-110 066.

2. The Additional Central Provident Fund

Commissioner (Pension),
Employees Provident Fund Organisation,
(Ministry of Labour and Employment),
Government of India,
Bhavishya Nidhi Bhavan,
14, Bhikaji Cama Place,
New Delhi-110 066.

3. The Provident Fund Commissioner,

Regional Employees Provident Fund Organisation,
Lady Doak College Road,
Madurai-625 002.

4. The Chairman cum Managing Director,

Tamilnadu Cements Corporation Limited,
LLA Building, 735, Anna Salai,
Chennai-600 002.

5. Unit Head,

Tamilnadu Cements Corporation Limited,
Alangulam Works-626 127,
Virudhunagar District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus to consider the petitioner's representation dated 13.03.2018.



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W.P.(MD) No.16128 of 2020:

P.Porkalaimani

... Petitioner

Vs.

- 1.The Central Provident Fund
Commissioner (Pension),
Employees Provident Fund Organisation,
(Ministry of Labour and Employment),
Government of India,
Bhavishya Nidhi Bhavan,
14, Bhikaji Cama Place,
New Delhi-110 066.
- 2.The Additional Central Provident Fund
Commissioner (Pension),
Employees Provident Fund Organisation,
(Ministry of Labour and Employment),
Government of India,
Bhavishya Nidhi Bhavan,
14, Bhikaji Cama Place,
New Delhi-110 066.
- 3.The Provident Fund Commissioner,
Regional Employees Provident Fund Organisation,
Lady Doak College Road,
Madurai-625 002.
- 4.The Chairman cum Managing Director,
Tamilnadu Cements Corporation Limited,
LLA Building, 735, Anna Salai,
Chennai-600 002.



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5. Unit Head,
Tamilnadu Cements Corporation Limited,
Alangulam Works-626 127,
Virudhunagar District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus to consider the petitioner's representation dated 06.03.2018.

W.P.(MD) No.16129 of 2020:

K.Vallinayagam

... Petitioner

Vs.

1. The Central Provident Fund
Commissioner (Pension),
Employees Provident Fund Organisation,
(Ministry of Labour and Employment),
Government of India,
Bhavishya Nidhi Bhavan,
14, Bhikaji Cama Place,
New Delhi-110 066.

2. The Additional Central Provident Fund
Commissioner (Pension),
Employees Provident Fund Organisation,
(Ministry of Labour and Employment),
Government of India,
Bhavishya Nidhi Bhavan,
14, Bhikaji Cama Place,
New Delhi-110 066.



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3.The Provident Fund Commissioner,
Regional Employees Provident Fund Organisation,
Lady Doak College Road,
Madurai-625 002.

4.The Chairman cum Managing Director,
Tamilnadu Cements Corporation Limited,
LLA Building, 735, Anna Salai,
Chennai-600 002.

5.Unit Head,
Tamilnadu Cements Corporation Limited,
Alangulam Works-626 127,
Virudhunagar District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus to consider the petitioner's representation dated 12.02.2018.

W.P.(MD) No.16131 of 2020:

K.Natarajan

... Petitioner

Vs.

1.The Central Provident Fund
Commissioner (Pension),
Employees Provident Fund Organisation,
(Ministry of Labour and Employment),
Government of India,
Bhavishya Nidhi Bhavan,



W.P.(MD) No.16125 of 2020 etc., batch

14, Bhikaji Cama Place,
New Delhi-110 066.

2.The Additional Central Provident Fund
Commissioner (Pension),
Employees Provident Fund Organisation,
(Ministry of Labour and Employment),
Government of India,
Bhavishya Nidhi Bhavan,
14, Bhikaji Cama Place,
New Delhi-110 066.

3.The Provident Fund Commissioner,
Regional Employees Provident Fund Organisation,
Lady Doak College Road,
Madurai-625 002.

4.The Chairman cum Managing Director,
Tamilnadu Cements Corporation Limited,
LLA Building, 735, Anna Salai,
Chennai-600 002.

5.Unit Head,
Tamilnadu Cements Corporation Limited,
Alangulam Works-626 127,
Virudhunagar District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue
Writ of Mandamus to consider the petitioner's representation dated
01.10.2020.



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W.P.(MD) No.16135 of 2020:

S.Raj

... Petitioner

Vs.

- 1.The Central Provident Fund
Commissioner (Pension),
Employees Provident Fund Organisation,
(Ministry of Labour and Employment),
Government of India,
Bhavishya Nidhi Bhavan,
14, Bhikaji Cama Place,
New Delhi-110 066.
- 2.The Additional Central Provident Fund
Commissioner (Pension),
Employees Provident Fund Organisation,
(Ministry of Labour and Employment),
Government of India,
Bhavishya Nidhi Bhavan,
14, Bhikaji Cama Place,
New Delhi-110 066.
- 3.The Provident Fund Commissioner,
Regional Employees Provident Fund Organisation,
Lady Doak College Road,
Madurai-625 002.
- 4.The Chairman cum Managing Director,
Tamilnadu Cements Corporation Limited,
LLA Building, 735, Anna Salai,
Chennai-600 002.



W.P.(MD) No.16125 of 2020 etc., batch

5. Unit Head,
Tamilnadu Cements Corporation Limited,
Alangulam Works-626 127,
Virudhunagar District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus to consider the petitioner's representation dated 13.03.2018.

In all W.Ps.

For Petitioner	:	Mr.K.Elangovan
For RR1 & 2	:	Mr.C.Nandagopal Central Government Standing Counsel
For R3	:	Mr.K.Muralisankar
For RR4 & 5	:	Mr.A.Sivaji

COMMON ORDER

All these batch of writ petitions are filed by the ex-employees of the 5th respondent-company viz., Tamil Nadu Cements Corporation Limited, Alangulam Unit, Virudhunagar District, seeking a writ of mandamus to consider the representations said to have been submitted by the petitioners for payment of enhanced compensation.



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2. The brief facts, that are relevant for disposal of these writ petitions, are as under:

The petitioners herein worked in different capacities viz., Typist, Tally Clerk, Junior Assistant, Machinery Attender, etc., in the 5th respondent-company and retired from service. All the petitioners have been drawing pension in terms of the Employees Provident Fund Scheme. It is the claim of the petitioners that they are entitled to draw higher pension, than what is being paid to them at present, in terms of the order passed by the Hon'ble Apex Court in the case of ***R.C.Gupta and others vs. Regional Provident Fund Commissioner, Employees Provident Fund Organisation and others*** reported in ***(2018) 14 SCC 809***. Having come to know that they are entitled to draw higher pension in terms of the order of the Hon'ble Apex Court and in terms of the Employees Provident Fund Scheme, for which payments were made by the petitioners while they were in service, the petitioners claimed to have submitted various representations before Respondent No.3 during the period 2018-2020. As there was no response from Respondent No.3, the petitioners approached this Court by filing these batch of writ petitions.



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3. Though these writ petitions are of the year 2020, Respondent No.3 has not filed any counter affidavit. However, Sri K.Muralisankar, learned counsel appearing for Respondent No.3 fairly submitted that Respondent No.3 would consider all the representations submitted by the petitioners and would pass appropriate orders in accordance with law.

4. This Court has perused the various representations submitted by the petitioners from time to time, which were shown to have been acknowledged by Respondent No.3. Admittedly, the said representations are not considered by Respondent No.3 as on date. In the considered view of this Court, the representations said to have been submitted by the petitioners are lacking several particulars, though they have made a claim for payment of enhanced pension in terms of the decision of the Hon'ble Apex Court referred to above. As the entitlement or otherwise of the petitioners for payment of higher pension is a matter which is required to be primarily considered by Respondent No.3, this Court is of the considered view that it would be appropriate to direct Respondent No.3 to consider the claim of the petitioners at the first instance.



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5. In the light of the above, these writ petitions are disposed of permitting the petitioners to submit a detailed representation furnishing all the particulars, including their PPO numbers, the last pay drawn, the amount of pension that they have been drawing as of now and the higher pension that the petitioners are claiming to be entitled to, etc., by duly enclosing all the relevant documents within a period of four weeks from the date of receipt of a copy of this order. On submission of such representation by the petitioners, either individually or jointly, Respondent No.3 shall consider the same in accordance with law by duly taking into consideration the decision of the Hon'ble Apex Court in the case of ***R.C.Gupta and others vs. Regional Provident Fund Commissioner, Employees Provident Fund Organisation and others*** reported in ***(2018) 14 SCC 809*** and pass appropriate orders thereon within a period of eight weeks from the date of submission of the said representations. No costs.

14.02.2024

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



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To

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Commissioner (Pension),
Employees Provident Fund Organisation,
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Bhavishya Nidhi Bhavan,
14, Bhikaji Cama Place,
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- 2.The Additional Central Provident Fund
Commissioner (Pension),
Employees Provident Fund Organisation,
(Ministry of Labour and Employment),
Government of India,
Bhavishya Nidhi Bhavan,
14, Bhikaji Cama Place,
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MUMMINENI SUDHEER KUMAR, J.

ABR

**W.P.(MD) Nos.16125, 16127, 16128,
16129, 16131 and 16135 of 2020**

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