



W.P.No.9943 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

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Chennai Port Trust Industrial Employees
Canteen Workers Welfare Association,
Registration No.1433/2000,
Represented by its President,
No.574, S1 Arivaham Apartments,
No.18 Street, Tamil Nadu Housing Board,
Koratur,
Chennai – 600 080.

... Petitioner

Vs.

Chennai Port Authority,
Rep. by its Chairman,
No.1, Rajaji Salai,
Chennai – 600 001.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to pay the amount mentioned in column 11 of the Annexure to the Writ Petition to each of the employee therein against their name along with interest at the rate of 9% per annum.



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For Petitioner : Mr.Balan Haridas

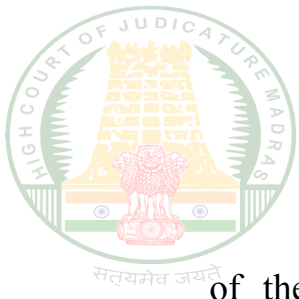
For Respondent : Mr.M.Palanimuthu

ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Mandamus, to direct the respondent to pay the amount mentioned in column 11 of the Annexure to the Writ Petition to each of the employee therein against their name along with interest at the rate of 9% per annum.

2. Mr.M.Palanimuthu, learned counsel, takes notice on behalf of the respondent. In view of the consent expressed by the learned counsel appearing for the parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that, it is an association registered under the Societies Registration Act and the employees, who worked/working in the canteen of Chennai Port Authority are members



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of the petitioner association. The employees are covered under the Employees Provident Funds & Miscellaneous Provisions Act, 1952 (in short 'the EPF Act') and contribution was made by the members of the petitioner association as well as by the respondent Port Authority to the EPF Organization. The service of the employees was absorbed by the respondent pursuant to the orders of this Court and in the meanwhile, some of the employees retired. While granting pension and while paying pension arrears, the respondent had deducted the pension received from the EPF organization, which is ex-facie illegal. Despite the representation and legal notice, the respondent has failed to refund the deducted amount. Hence, the present writ petition is filed.

4. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that, it would suffice, if this Court, permits the petitioner to make a fresh representation to the respondent seeking refund of the deducted amount along with interest at the rate of 9% p.a., within a period of two (2) weeks and upon receipt of the same, this Court may direct the respondent to consider the same and pass appropriate orders, within a time frame that may be



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stipulated by this Court.

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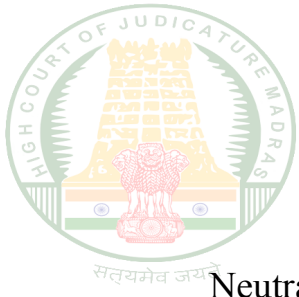
5. On the above contentions, heard the learned counsel appearing for the respondent and also perused the materials available on record.

6. In view of the limited request made by the learned counsel appearing for the petitioner, this Court, without going into the merits of the case, permits the petitioner to make a fresh representation before the respondent seeking refund of the deducted amount, within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt of the same, the respondent shall consider the same on merits and in accordance with law and pass appropriate orders, within a period of four (4) weeks thereafter.

7. With the above directions, this Writ Petition is disposed of. No costs.

24.03.2025

Index : Yes / No
Speaking order / Non-speaking order



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Neutral Citation Case : Yes / No
sp

To

The Chairman,
Chennai Port Authority,
No.1, Rajaji Salai,
Chennai – 600 001.



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M.DHANDAPANI, J.

sp

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