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W.P.No.29817 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.08.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 29817 of 2025

Indira Anthony Raj
S2, Sai Sajara Apartments,
AVM Avenue, 2nd Cross Street,
Virugambakkam
Chennai – 600 092.

...Petitioner

Vs.

1.The Assistant Commissioner (Pension)
Provident Fund Office
Royapettah, 600014.

2.The Regional Commissioner,
Provident Fund Office
Royapettah, Chennai 600 014

3.National Data Centre
(EPFO, NDC)
1st Floor, EPFO Complex
Plot No.23, Sector
23, Dwarka, New Delhi 110075

...Respondents

Prayer: Writ Petition is filed under Section 226 of the Constitution of



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India for issue of Writ of Mandamus, directing the respondents herein to release the eligible pension arrears to the petitioner with effect from 06.07.2022 with interest at the rate of 12% and continue to pay the permissible pension under the Employees Pension Scheme.

For Petitioner : Ms. S.Suneetha

For Respondents : Mr. S.Tamil Eniyan
For Mr. R.Vishnu

ORDER

The Writ Petition is filed for the following relief:

“directing the respondents herein to release the eligible pension arrears to the petitioner with effect from 06.07.2022 with interest at the rate of 12% and continue to pay the permissible pension under the Employees Pension Scheme”.

2. The petitioner would submit that she was under employment on various companies in private sector. The petitioner would submit that as per the statutory scheme of the Government the petitioner had to mandatorily join the scheme under the Employees Pension Scheme and



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mandatory deductions were made from the petitioner's salary by all her employers every month as per the scheme.

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3. The Scheme contemplated a maximum deduction of Rs.3600/- per month as Provident Fund and Pension, out of which Rs.1250/- has to be transferred to the Employees Pension Scheme. That the amounts have been credited to the petitioner's Provident Fund are reflected from the fact that the same are shown to the petitioner's credit in her Provident Fund as well as the employee's pension scheme account.

4. As per the Provident Fund Scheme, the petitioner is entitled to withdraw the amount to her credit at the time of retirement which she has also done and there is no issue so far as the deduction and payment out of her Provident Fund. There seems to be a minor error in so far as the petitioner is concerned, as her last employer “Neuberg Ehrlich Pvt., Ltd.,” has by mistake uploaded the petitioner's particulars as “non pensionable employee”. Therefore, the petitioner is before this Court.



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5. Heard the learned counsels and perused the records.

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6. Considering the fact that deduction has been made from the petitioner's salary towards Employee's Pension Scheme and the fact that the mistake is only on the part of the employer, the respondents are directed to release the eligible pension arrears to the petitioner with effect from 06.07.2022 with interest at the rate of 12%, within a period of 2 months from the date of receipt of a copy of this order and continue to pay the permissible pension under the Employees Pension Scheme.

7. The Writ Petition is allowed with the above directions. No costs.

08.08.2025

Index : Yes/No
Internet : Yes/No
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To

1.The Assistant Commissioner (Pension)

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Provident Fund Office
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2.The Regional Commissioner,
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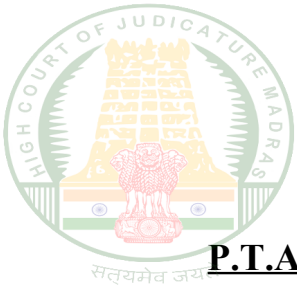


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This case is listed today under the caption 'for being mentioned' at the instance of the learned Counsel for the petitioner.

2. The learned Counsel for the petitioner would submit that in the Order copy dated 08.08.2025, it is prayed that the phrase '***consider the representation dated 02.07.2025***' be included in the operative portion of the Order in Paragraph 6 which has been omitted to be included though in the open Court directions were issued for considering the representation.

3. Based on the submission of the learned Counsel for the petitioner, the below changes are to be effected in the order copy dated 08.08.2025.

(i) Paragraph 6 of the order shall be replaced as follows:

6. Considering the fact that deduction has been made from the petitioner's salary towards Employee's Pension Scheme and the fact that the mistake is only on the part of the employer, the respondents are directed to consider the representation dated 02.07.2025 and release the eligible



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pension arrears to the petitioner with effect from 06.07.2022 with interest at the rate of 12% within a period of 2 months from the date of receipt of a copy of this order and continue to pay the permissible pension under the Employees Pension Scheme.

4. It is also seen that, by inadvertence, the miscellaneous petition has not been closed. The same now stands closed.

5. Registry is directed to carry out the necessary corrections and issue fresh copy of the order to the parties.

29.08.2025

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P.T.ASHA J.

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