



W.P.(MD) No.15127 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.15127 of 2019

S.Veemaraj

... Petitioner

-VS-

1.The Principal Secretary
to Government
Industrial Department
Chennai-600 009

2.The Chairman and
Managing Director
Tamilnadu Minerals Limited
No.31, Kamarajar Salai
Chepauk, Chennai-600 005

3.The Factory Manager
TAMIN Graphites Plant
Jeyanthi Udaiyanathapuram Village
Sakkanthi (Post)
Sivagangai-623 560

4.The Assistant Provident Fund
Commissioner (Pension)
EPF Organization
Regional Office
Madurai-625 002

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to calculate the correct gratuity amount and to pay excess gratuity amount to the petitioner and also to pay correct pension amount to petitioner as per G.O.Ms.No.313, dated 25.10.2017 (with effect from 01.01.2016), based on the petitioner's representation dated 21.05.2019.

For Petitioner : Mr.C.M.Mari Chelliah Prabhu
for Mr.B.Balamurugan

For Respondents : Mr.A.Baskaran
Additional Government Pleader for R1
Mr.A.K.Manickam for R2 & R3
Mr.A.John Xavier for R4

ORDER

Though this writ petition has been filed by the petitioner seeking a writ of mandamus directing the respondents to revise his gratuity and to revise his pension in terms of G.O.Ms.No.313, Finance (Pay Cell) Department, dated 25.10.2017 with effect from 01.01.2016, by considering his representation dated 21.05.2019, after hearing the matter for quite some time, learned counsel for the petitioner fairly conceded that the said Government



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Order issued in G.O.Ms.No.313, Finance (Pay Cell) Department, dated 25.10.2017 and another Government Order issued in G.O.Ms.No.333, Finance (BPE) Department, dated 09.11.2017, have no application to the case of the petitioner.

2. In the light of the above, the relief sought for by the petitioner in the present writ petition cannot be granted. However, learned counsel for the petitioner submitted that the petitioner is entitled for revision of pension in terms of Rule 10(2) of the Employees Pension Scheme, 1995 (in short, “the Scheme, 1995”) and claiming the said revision of pension, he has already submitted a representation to the fourth respondent as early as on 27.06.2019, but the same is not being considered by the fourth respondent.

3. However, learned counsel appearing for the fourth respondent submitted that the said application claimed to have been submitted by the petitioner is not in complete and proper form and the petitioner has to submit an application in terms of the Scheme, 1995 and in case if any such application is submitted by the petitioner, the same would be considered in accordance with law by the fourth respondent.



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4. Taking into consideration the overall facts and circumstances of the case, this writ petition is dismissed insofar as the relief sought for is concerned. However, the petitioner is granted liberty to submit an application claiming revision of pension in terms of Rule 10(2) of the Scheme, 1995, to the fourth respondent, within a period of four weeks from the date of receipt of a copy of this order. On receipt of such application, the fourth respondent shall consider the same and pass appropriate orders thereon in accordance with law and strictly in terms of the Scheme, 1995, within a period of six weeks thereafter. No costs.

05.03.2025

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

krk

To:
The Principal Secretary
to Government,
Industrial Department,
Chennai-600 009.



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MUMMINENI SUDHEER KUMAR, J.

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