



W.P.(MD)No.6655 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.6655 of 2019
and W.M.P.(MD)No.5321 of 2019

S.Manickam

... Petitioner

Vs.

- 1.The Government of India,
Rep. by its Secretary to Government,
Ministry of Labour and Employment,
Shram Shakthi Bhawan,
Rafi Marg, New Delhi - 110 001.
- 2.The Regional Provident Fund Commissioner-I,
Employees Provident Fund Organisation,
(Ministry of Labour, Govt. of India),
Regional Office, Bhavisyanidhi Bhavan,
Coimbatore.
- 3.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
Sub-Regional Office, P.B.No.588, Sree Complex,
D Block, No.18 Madurai Road,
Trichy - 620 008.

... Respondents



W.P.(MD)No.6655 of 2019

WEB COPY

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the impugned proceedings issued by the 3rd Respondent in No. CB/ TRY/ 16140/ IB/PENSION/ 2016 dated 05.02.2016 and to quash the same and consequently directing the Respondents to restore the original pension payable to the Petitioner in the post of Field Manager retired on 31.12.1999 after deductions from the regular pension for 100 months from the date of retirement and consequently refund the deductions made from the regular pension beyond 100 times in realization of commutation along with interest payable to the petitioner, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sailendrababu

For Respondents : Mr.Manikandan,
Central Govt. Standing Counsel for R1
Mr.N.Dilipkumar for R2 & R3

ORDER

When the matter is taken up for consideration, it is brought to the notice of this Court by the learned counsel on either side that the similar issue



W.P.(MD)No.6655 of 2019

WEB COPY

that arise for consideration in this Writ Petition, has fallen for consideration before a co-ordinate Bench of the Principal seat of this Court in W.P.No.4797 of 2019 and batch and the said batch of Writ Petitions were allowed by an order dated 28.11.2019.

2. This Court has carefully perused the said order dated 28.11.2019.

It is thoroughly convinced that the issue is squarely covered by the said order passed by a co-ordinate Bench of the Principal seat of this Court and in the said decision, it was held as under:

“18. In the present case, the respondents authorities presumed that even after the expiry of the commutation period, the pensioner is not entitled for restoration of full pension. Such a presumption is baseless and in violation of the very principles to be adopted in respect of the facility of commutation of pension.

19. The very concept of commutation of pension is to provide a lump sum amount to the pensioner for certain needs and a pensioner who wish to avail the commutation can avail and it is only an option. Thus, once an employee availed the facility of commutation, the portion of the pension is to be deducted for the period fixed and beyond the period, the authorities have no powers to



W.P.(MD)No.6655 of 2019

WEB COPY deduct the pension for an unspecified period or for their life time.

Such a concept is unknown and if such principles are adopted, it will amount to unjust enrichment to the Employees Provident Fund Organization. This apart, the very purpose and object of the pension scheme would be defeated.

20. The pension being the welfare scheme must be interpreted constructively, so far as to provide full pension to the pensioners in all circumstances and only on certain conditions, pension can be deducted. The scheme of commutation is to provide a lump sum to the pensioner and deduct the same on monthly basis and the period of commutation is also fixed at the time of availing the pension scheme. This being the fact after the expiry of the commutation period, the Competent Authorities are bound to restore the full pension and they cannot permanently deny the full pension under the guise of commutation for the pensioner, which would amount to unlawful enrichment and which is not contemplated under Employees Pension Scheme itself.

21. This being the legal principles to be followed, this Court is of an opinion that, non restoration of full pension after the expiry of commutation period i.e., 100 months in this present case is improper and not in consonance with the very scheme of commutation itself.

22. Accordingly, the impugned orders passed by the Regional Provident Fund Commissioner-1, Employees Provident



W.P.(MD)No.6655 of 2019

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3. It is also further brought to the notice of this Court that the Writ Appeal filed against the order dated 28.11.2019 also came to be dismissed by a learned Division Bench of the Principal seat of this Court.

4. In the light of the above, this Court does not see any reason to adjudicate the matter again on merits and is inclined to allow the Writ Petition in terms of the order dated 28.11.2019 passed by a co-ordinate Bench of the Principal Seat of this Court.

5. Accordingly, this Writ Petition is allowed duly quashing the impugned order dated 05.02.2016. The respondents are directed to restore the



W.P.(MD)No.6655 of 2019

WEB COPY

full pension on expiry of 100 months period fixed for commutation and pay all other consequential and attendant benefits within a period of 12 weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

08.04.2025

Neutral Citation: Yes / No
Index : Yes / No

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W.P.(MD)No.6655 of 2019

WEB COPY

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W.P.(MD)No.6655 of 2019

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