



W.P.(MD) No.6684 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.6684 of 2019

K.Sivaraj

... Petitioner

-VS-

1.The Commissioner
Employment Provident
Fund Organization
Bhavishya Nidhi Bhawan
No.14, Bhikarji Cama Place
New Delhi-110 066

2.The Regional Provident Fund
Commissioner (Pension)
Regional Employment Provident
Fund Organization
No.2, lady Doak College Road
Madurai

3.M/s.Fenner (I) Limited, Madurai
rep.by its Manager
No.3, Melakkal Road
Madurai

... Respondents



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WEB COPY **PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating with the order of the second respondent made in No.TN/MDU/RO/Legal Cell/W-980/2019, dated 06.03.2019 and quash the same as it is arbitrary and illegal and in consequence to direct him to calculate and pay the petitioner's revise pension as accordance to his last drawn salary, by extending the benefit of amended Clause 11(3) of Section 6A of the Employment Pension Scheme 1995 in the light of the Judgment made in re R.C.Gupta Case, by the Honourable Supreme Court.

For Petitioner : Mr.R.Suriya Narayanan

For Respondents : Mr.A.John Xavier for R1 & R2
No appearance for R3

ORDER

This writ petition has been filed by the petitioner challenging the order, dated 06.03.2019, passed in No.TN/MDU/RO/Legal Cell/W-980/2019, by the second respondent and to direct the second respondent to calculate and pay him revised pension basing upon his last drawn salary, by extending the benefit of the amended Clause 11(3) of Section 6A of the Employment Pension Scheme 1995, in the light of the Judgment passed by the Honourable



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Supreme Court in the case of **R.C.Gupta and others vs. Regional Provident Fund Commissioner and others**, in Civil Appeal Nos.10013-10014 of 2016, dated 04.10.2016.

2. When the matter came up for consideration on the earlier occasion i.e. on 26.02.2025, it was brought to the notice of this Court by the learned counsel for the petitioner that the petitioner and the third respondent / Management have submitted a joint application for revision of pension in terms of the orders passed by the Honourable Apex Court in the case of **Employees Provident Fund Organisation & Anr vs. Sunil Kumar B. & Ors.** reported in **(2023) 12 SCC 701** and sought time to get instructions in this matter.

3. Today, when the matter is taken up for consideration, learned counsel for the petitioner submitted that he is yet to receive appropriate instructions from the petitioner.

4. However, Mr.A.John Xavier, learned counsel appearing for the respondents 1 & 2, submitted that there is no joint application submitted by the petitioner and the third respondent / Management and because of the



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same, the claim of the petitioner for revision of his pension could not be processed. He also further submitted that the demand letter dated 20.12.2024 was already addressed to the third respondent / Management requiring them to submit a joint application, however, the same is still awaited.

5. In the light of the above, the third respondent / Management is directed to submit a joint application along with the petitioner for revision of his pension to the respondents 1 & 2, within a period of three weeks from the date of receipt of a copy of this order and on receipt of such application, the respondents 1 & 2 shall consider the same and complete the process within a further period of six weeks from the date of submission of the joint application by the third respondent / Management and the petitioner.

6. Accordingly, this writ petition is disposed of. No costs.

05.03.2025

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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MUMMINENI SUDHEER KUMAR, J.

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