



W.P.(MD) No.6685 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.6685 of 2019
and
W.M.P.(MD) No.13425 of 2020

T.Selvam

... 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



W.P.(MD) No.6685 of 2019

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



W.P.(MD) No.6685 of 2019

WEB COPY

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 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.



W.P.(MD) No.6685 of 2019

WEB COPY

4. However, Mr.A.John Xavier, learned counsel appearing for the respondents 1 & 2, submitted that the online joint application submitted by the petitioner and the third respondent / Management has already been considered and an order has also been passed thereon by the second respondent in P.P.O.No.MDMDU00119361 on 11.09.2024 and crediting the amounts to the petitioner's account is under process and it will take four more weeks.

5. In view of the above, adjudication of this matter on merits is not necessary and accordingly, this writ petition is disposed of directing the respondents 1 & 2 to complete the process and credit the amounts to the petitioner's account, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

05.03.2025

(2/3)

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

krk



WEB COPY



W.P.(MD) No.6685 of 2019

MUMMINENI SUDHEER KUMAR, J.

krk

W.P.(MD) No.6685 of 2019
and
W.M.P.(MD) No.13425 of 2020

05.03.2025

(2/3)