



W.P.(MD) No.14652 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2025

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.14652 of 2021

N.Shankar

... Petitioner

Vs.

1.The Regional Provident Fund Commissioner,
Thiorder Complex, (Old Raja Theatre),
Madurai Road, Trichy.

2.The General Manager, (HR)
Human Resource Management Department,
Bharat Heavy Electricals Limited,
Trichy -14.

3.The Chairman,
BHEL Provident Fund Trust,
BHEL, Trichirapalli 14.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to sanction the EPF pension to the petitioner by taking the 50 % of service by the petitioner in 2nd respondent organization from 1980 to 1993 and 23.08.2005 of service till



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retirement as per the Hon'ble Supreme Court order in CA.Nos.3542/11 to 3572/2011 dated 13.07.2011, both service put together taken for the calculation of EPF Pension for the petitioner as per the petitioner's representation to respondents on 20.08.2020, 22.09.2020 and 10.03.2021 and to fix a time frame by this Court.

For Petitioner : Mr.R.Ramasamy

For Respondents : Mr.I.Pinaygash for R1

: Mr.Raguvaragopalan for R2 & R3

ORDER

This writ petition has been filed seeking a Writ of Mandamus to direct the respondents to sanction the EPF pension to the petitioner by taking 50% of service rendered by the petitioner in 2nd respondent organization from 1980 to 1993 and from 23.08.2005 till retirement as per the order of the Hon'ble Supreme Court in CA.Nos.3542/11 to 3572/2011 dated 13.07.2011, both service put together taken for the calculation of EPF Pension for the petitioner as per the petitioner's representation to respondents on 20.08.2020, 22.09.2020 and 10.03.2021.



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2. Insofar as the claim of the petitioner to count the 50% of the service claimed to have been rendered by the petitioner from 1980 to 1993 is concerned, this Court is not inclined to consider the same as any consideration of the said claim would amount to reviewing the order passed by the Hon'ble Apex Court dated 13.07.2011 in Civil Appeal Nos.3542 to 3572 of 2011. Therefore, the relief sought in this Writ Petition is hereby rejected.

3. Insofar as the claim of the petitioner for counting the services from 23.08.2005 is concerned, the same is permitted by the Hon'ble Apex Court in Civil Appeal No.3542 of 2011 and batch dated 13.07.2011. The relevant paragraph from the said order reads as under:

“3) The employees concerned shall be entitled to claim the benefit of continuity of service from 23rd August, 2005 only for the purpose of retiral benefits in terms of the Rules governing the permanent employees of M/s. Bharat Heavy Electricals Ltd.”

4. Basing upon the claim made by the petitioner herein, the respondents 2 and 3 herein also, having agreed for the same, already



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addressed a letter dated 03.08.2019 to the Assistant PF Commissioner (EXEM), Provident Funds Organization, Regional Office, Sree Complex-18D, Madurai Road, Tiruchirapalli – 620 008, bringing to the notice of the office of the respondent No.1 about the order passed by the Hon'ble Apex Court dated 13.07.2011. However, it appears that there is no response from the office of the respondent No.1 as on date. Thus, it is evident that the petitioner herein as well as the respondent Nos. 2 and 3 are willing to pay the contribution for the period from 2005 till 2011, in case, if the petitioner would be eligible for grant of pension by receiving the contribution for the period from 2005 to 2011. This is a matter to be considered by respondent No.1, basing on the facts and circumstances of the case on hand and duly taking into consideration the order passed by the Hon'ble Apex Court in C.A.Nos.3542 of 2011 and batch dated 13.07.2011.

5. In view of the same, both the petitioner as well as respondent Nos.2 and 3 are granted liberty to approach the respondent No.1 bringing to the notice of the respondent No.1 about the order passed by the Hon'ble Apex Court and duly expressing their willing to pay the contribution for the period



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from 23.08.2005 till the year 2011 and the respondent No.1 is further directed to consider the same and pass appropriate orders thereon, as expeditiously as possible, at any rate, within a period of two months from the date of petitioner and respondent Nos.2 and 3 approaching the respondent No.1. In case, if the petitioner is found to be eligible for grant of pension on payment of the contribution for the period from 23.08.2005 to 2011, then the petitioner as well as respondent Nos.2 and 3 be informed. On such information being furnished, the petitioner as well as respondent Nos.2 and 3 shall pay the contribution together with interest, if any and on payment of the same, the claim of the petitioner for grant of pension shall be considered by the respondent No.1 within a further period of two months from the date of payment of the contribution.

6. This Writ Petition is disposed of accordingly. There shall be no order as to costs.

30.04.2025

NCC : Yes/No
Index : Yes/No
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MUMMINENI SUDHEER KUMAR, J.

vsm

To

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2.The General Manager, (HR)
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