

W.P.(MD)No.30234 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

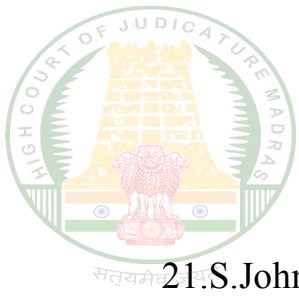
DATED: 21.07.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

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- 1.K.Jayakumar
- 2.P.N.Sakaranarayanan
- 3.S.Mathivanan
- 4.S.K.Pari
- 5.T.M.Sivasubramanian
- 6.V.R.Devarajan
- 7.T.Palaniappan
- 8.T.Gurunathan
- 9.V.R.Balasubramanian
- 10.K.Chakrapani
- 11.P.Subramanian
- 12.E.Ganesan
- 13.M.Velusamy
- 14.Mohamed Ali Jinnah
- 15.S.Selvaraj
- 16.K.P.Narayanan
- 17.R.Gnasekaran
- 18.R.Ragunathan
- 19.L.Periasamy
- 20.P.Charles Rajasekaran



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21.S.John Anandakumar

22.M.Murugesan

23.A.Palaniappan

24.K.Murali

25.S.Syed Murthuza

26.S.Thiagarajan

27.S.Rengarajan

28.N.Selvaraj

29.N.Rajakumar

30.R.Ranganathan

...Petitioners

Vs

1.Union of India,
Represented by the Secretary to Government of India,
Ministry of Labour and Department of Employment,
New Delhi - 110 001.

2.The Regional PF Commissioner - I (Pension),
Office of the Employees Provident Fund Organisation (EPFO),
Bhavishya Nidhi Bhawan,
No.14, Bhikanji Cama Palace,
New Delhi - 110 066.

3.The Additional Central PF Commissioner - HQ (Pension),
Office of the Employees Provident Fund Organisation (EPFO),
Bhavishya Nidhi Bhawan,
No.14, Bhikanji Cama Palace,
New Delhi - 110 066.

4.The Regional Provident Fund Commissioner,
Office of the Employees Provident Fund Organisation (EPFO),
Bhavishya Nidhi Bhavan,
No.37, Royapettah High Road,
Azad Nagar, Royapettah, Chennai - 600 014, Tamil Nadu.



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5.The Regional Provident Fund Commissioner - 1,
Office of the Employees Provident Fund Organisation (EPFO),
Regional Office,
Post Box No.588, Sree Complex,
D Block, No.18, Madurai Road,
Trichirappalli - 620 008. Tamil Nadu.

6.The General Manager,
The Tiruchirappalli City Co-Operative Bank Limited, 1050
(EPF Code No.CB/TRY/7514),
No.81, EVR Salai,
Puthur, Trichirapalli - 620 017.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a **Writ of Certiorarified Mandamus** to call for the records pertaining to the impugned order bearing No.CB/TRY/7514/Validation/Para.11(3)-JO/Order/2024, dated 07.08.2024, of the 5th respondent and quash the orders passed therein and consequently, direct the respondents to grant pension on higher wages under Employees Pension Scheme, 1995.

For Petitioners : M/s.C.Kayalvizhi

For Respondents : M/s.J.Padmavathi Devi for R1
Mr.N.Dilip Kumar for R2 to R5

* * * * *

ORDER

The present writ petition has been filed by the retired employees of the 6th respondent Co-operative Bank challenging the order passed by the 5th respondent wherein they have rejected the Joint Option submitted under Paragraph 11(3) of the Employees' Pension Scheme, 1995.



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2. Admittedly, the petitioners have retired prior to 01.09.2014. Their Provident Fund was settled immediately after their retirement. Even prior to the judgment of the Hon'ble Supreme Court reported in **2023 (12) SCC 701**, pension payment orders have been issued and they had started receiving pension also.

3. Based upon the four months window period granted by the Hon'ble Supreme Court in the judgment reported in **2023 (12) SCC 701**, the petitioners have sent a Joint Option proposal along with their Management to the 5th respondent, seeking enhanced pensionary benefits on the ground that now they are ready to pay the enhanced contribution. This request was rejected under the impugned order, dated 07.08.2024, primarily on the ground that the petitioners have retired prior to 01.09.2014, and their contribution was made only based upon the ceiling limit of Rs.5,000/Rs.6,500/-. Challenging the said order, the present writ petition has been filed.

4. According to the learned Counsel appearing for the writ petitioners, as per paragraph No.50.5, of the Judgment of the Hon'ble Supreme Court reported in **2023 (12) SCC 701**, they have exercised their option within a period of four



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months, as granted by the Hon'ble Supreme Court and in such circumstances, their request should not have been rejected by the EPF Organisation.

5.Per contra, the learned Counsel appearing for the respondent EPF Organisation has relied upon the Paragraph No.50.7, of the same judgment and contended that the four months window period granted by the Hon'ble Supreme Court is not applicable to those who have retired prior to 01.09.2014. He has further pointed out that the contribution was made only based upon the ceiling limit and no point of time, higher contribution was made by the employer before the date of retirement.

6.I have considered the submissions made on either side and perused the materials available on record.

7.In the Judgment of the Hon'ble Supreme Court reported in **2023 (12) SCC 701** in paragraph No.50.7, it is held as follows:-

“The employees who had retired prior to 01.09.2014 without exercising any option under Para 11(3) of the pre-amendment scheme have already exited from the membership thereof. They would not be entitled to the benefit of this judgment.”



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8. Admittedly, the petitioners have retired prior to 01.09.2014, and they have exited from the membership of the Employees' Provident Fund Organisation after getting settlement of their Provident Fund amount. The pension payment orders were also issued to them and they have been receiving pension. In such circumstances, the order impugned in the writ petition is perfectly in alignment with the order of the Hon'ble Supreme Court cited supra. There are no merits in the Writ Petition. Accordingly, this Writ Petition stands dismissed. No costs.

21.07.2025

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



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R.VIJAYAKUMAR, J.

RJR

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