

**IN THE HIGH COURT OF JUDICATURE AT MADRAS****Date: 24.04.2019****CORAM****THE HONOURABLE MR. JUSTICE V.PARTHIBAN****W.P.Nos.3528 to 3531 & 29922 of 2018 and  
335 of 2019****W.M.P.NOs.4318 to 4321, 4323 to 4326, 4328 to 4331,  
4333 to 4336, 34934, 34937, 34941, 34944, 34946 of  
2018 and 333, 335, 338, 340 and 343 of 2019****W.P.Nos.3528 of 2018:**

- 1 M.Masilamani,  
S/o V. Madurai 4/619 Pugazhendhi Salai  
Mogappair East Ch 37
- 2 D. Aaron Jayakar  
S/o Devaraj 7/1 Potters st. Kelleys  
Chennai-600010
- 3 S. Kasthuri  
S/o Simon 1 Bharathi st. Nehru Nagar Road  
Pattabiram Chennai-600072
- 4 M. Ananadhan  
S/o Munusamy 7/49 4th st. Babuji Nagar  
Thirunindravur 602024.
- 5 K.V. Saraswathi  
W/o R. Bashyam 14 Temple Avenue A2  
Maruthi Apts. Sai nagar Saidapet Chennai  
600015.
- 6 P. Jothisridharan  
S/o Ponnambalam 14 Bajanai Koil 2nd st.  
Villivakkam Chennai-600049.
- 7 V. Varathammal

- W/o R. Rajavel 2 Anna st. Ram Nagar  
Ambattur Chennai-600053
- 8 K. Jayaharan  
S/o M. Kasilingam 5/46 Venkatesapuram  
Kottivakkam Chennai-600041
- 9 A.S. Subramanian  
S/o Sooriyam Pillai Plot No. 42 D. No.4/13  
FCI Colony Janakiram Nagar Sevvapet  
Tirur PO 602025
- 10 L. Pasupathy  
S/o K.R. Lakshmanan 4/99 FCI Colony  
Tirur Post 602025
- 11 L. Annabushanam  
D/o J. Loganathan 14 Bajanai Koil st.  
West Tambaram Chennai-600045
- 12 G. Vasugi  
D/o T. Ganapathy 2/3 IInd South Main st.  
Adambakkam Chennai-600088
- 13 F. Anthony Jayakumar  
S/o J. Francis Fernando 89 Silver St.  
St.Thomas Mount Chennai-600016
- 14 Ranjanmohan  
D/o G. Gopal 70/2 Main Road Bharathy  
Nagar Ambattur Chennai-600053
- 15 N. Kalaiarasi  
D/o C. Natesan 161 Nohan Ram Nagar  
Mogappair East Chennai-600037
- 16 N. Jayaraman  
S/o M. Narasimhan 23 IInd Cross St.  
Anthony Nagar Thiruninravur-602204
- 17 C. Ganesan  
S/o T. Chidambaram Plot No.102 M.G. Nagar  
Part IV Guduvanchery -603202
- 18 K. Gnanasekaran

- S/o Kalimuthu 83/22 7th st. Shalini  
Castle Kamar Nagar Chennai-600082
- 19 P. Srinivasan  
S/o R. Peruma 47 24th st. Balaji Nagar  
Part II Puzhuthivakkam Chennai-600091
- 20 V. Anthony Jebaraj  
S/o Viyagappan 39/16 Nagathamman Koil st.  
Mettupalayam West Mambalam Chennai-600033
- 21 A. Panneerselvam  
S/o V. Arumugam 182 ALS Nagar IIIrd Cross  
St. Madambakkam Chennai-600126
- 22 P. Pathima Arokiasamy  
62 W/o P.M. Pakyam 14 A & B 2nd floor  
Gandhi St. Premnagar Pozhichalur Chennai-  
600074
- 23 V. Govindaraj  
S/o K. varadharajulu 4 9th cross st.  
Thiruvengadanagar Thirunindravur-602024
- 24 A. Damodharan  
S/o C. T. Adhikesavelu 2/625 Padasali st.  
Angalaparameswari Avenue Kannapalayam  
Thirunindravur Chennai-602024
- 25 Karuppaiah  
S/o V.R. Arumugam Plot No.32 Karunya st.  
2nd Main road Srinivasa Nagar Ayapakkam  
Ambattur Chennai 600077
- 26 C. Krishnan  
S/o chellan 680 Balaji Nagar VeppamPattu-  
602024
- 27 K. Karunakaran  
S/o M. g. Kalimuthu 28 Periyar st. K.K  
Nagar Pattabiram Chennai600072
- 28 R. Lakshmikummar  
S/o S. Rajagopal 6/13 Rajiv Gandhi St.  
Adthiyaman Nagar Chennai-600082

- 29 A.Mani  
S/o Annamalai 6 6th cross St. Thirumal  
Nagar Poonamallee Chennai-600056
- 30 S. Muragammal  
W/o Late N. Sivalingam 30/44 ManjaKollai  
st. Aminjikai Chennai-600029
- 31 C. K. Muralidharan  
S/o C. Karunakaran 7 Thanikachalam Road T.  
Nagar Chennai-600017
- 32 A.Padmanabhan  
S/o M. Arumugam 28 Veerasamy Main Road  
Ayanavaram Chennai-600023
- 33 G. Hari  
S/o Gopal 44 3rd Block Seevaga sinthamani  
st. J.J. Nagar west Chennai-600037
- 34 G. Balasundaram  
S/o Ganesan 4/55 Nakkeeran Salai  
Mogappair east Chennai-600037
- 35 A.John  
S/o Arumugam 3/23 Mari st. senthil Nagar  
Ramapuram Chennai-600089
- 36 S. Gunasekaran  
S/o S. Rangaswamy 6/15 Stanley Nagar  
IInd st. Chennai-600021
- 37 M. Chandan  
S/o S. Munuswamy 97 Bharathipuram Shenoy  
Nagar Chennai-600030
- 38 S. Sigamani  
S/o V. Subramanian 121 East Main Swt.  
Yeswanth Nagar Madampakkam Chennai-600126
- 39 K. Shanmugam  
S/o K. Kannan 73 9th Cross st. Kodambakkam  
Chennai-600024

- 40 Kalyani Sivasamy  
D/o M. Shanmugam 40/51 Agagiri st. MGR  
Nagar Chennai-600078
- 41 R. Kumaran  
S/o T. Ramalingam 105 Thiruvalluvar Nagar  
4th st. Keelkaattalai Chennai 600117
- 42 P. Balakrishnan  
S/o R. Palaniyandi 10 5th right st.  
Manikandapuram Thirumullai voil Chennai-  
600062
- 43 S. Rani  
D/o Samuvel 17 Teju Tenament Apts. Bhell  
Nagar 5th st. Medavakkam Chennai-600100
- 44 K. Duraiswamy  
S/o P. Kalimuthu 2/691 Rajeswarai Nagar  
P.H. Road Thiruninravur-602024
- 45 K. V. Mahalingam  
S/o K. Veeraraghu 2/687 rajeswari Nagar  
Thiruninravur-602024
- 46 V. Rajeswari  
D/o R. Viswanathan 5 Janakaraj st.  
Nehru Nagar Saligraham Chennai-600093
- 47 M. Adikesavan  
S/o M. Mottai 6/153 Agesh Nagar  
Thandalam Chennai-6000128
- 48 P. Jayaraman  
S/o M Parvatham 250 FCI Colony Janakiram  
Nagar Sevvapet 602025
- 49 G. Ramaiah  
22/34 5th st. Ram Nagar Triplicane  
Chennai-600005
- 50 M. Deivasundaram  
S/o A. Manickam 3 2nd South Main st.  
Adambakkam Chennai- 600088

- 51 C. Veeraswamy  
S/o P. Changan 5 Marutham St. Bharathiyar  
Nagar Pattabiram Chennai-600072
- 52 C. Ponnai  
S/o chidhambaram 11 Dr. Ambedkar st.  
Senthamil Nagar Anna Nagar Pattabiram  
Chennai-600072
- 53 S. Joseph  
S/o G. Sebasteen 52/4 Mitthra Flats  
Subramanian St. P.B. Road Perambur  
Chennai-600011
- 54 J. Ethiraj  
S/o T. Jayaraman 43 Preya Nagar extn.- II  
Guduvancherry Chennai-603202
- 55 Samson Isaac  
S/o G. Isaac 12 Vaishnavi Illam Lakshmi St.  
Uma Nagar Perugalathur Chennai 600063
- 56 V. Thavamani  
S/o K. Vellai 17 Kaveri St. Sri Nagar  
colony Chennai-600062
- 57 P. S. Thiagarajan  
S/o S. Subramanian 5 Sankaranarayana St.  
V.O.C. Nagar Pammal Chennai-600075
- 58 P. Jayasingh Lazarus  
S/o Palani Ayah 1 A Block GF Varalakshmi  
Villa 83&84 Konnur High Road Ayanavaram  
Chennai-600028
- 59 K. Dheenathayalan  
S/o D. Kesavan 31 Thiruneermalai Road LIC  
Colony Pammal Chennai-600075
- 60 A. Mathialagan  
S/o Iyyanarappan 13 A Gangaiamma Koil St.  
Chennai - 600080
- 61 K. Ramakrishnan  
S/o Kanabiran 374 Tower st. Prakash Nagar

Thirundravur-602024

- 62 M. Jeevanandam  
S/o P. Murugan 15/1 Pandar st. Anbazhagan  
Nagar IIIrd st. Perambur Chennai-600011
- 63 G. Poosalingam  
S/o Ganesan 3/110 Plot 298 FCI Colony  
Janakiram Nagar Sevvapet 602025
- 64 P. Arjunan  
S/o Perumal 16 V.O.C. st. MTH Road  
Bharathiyar Nagar Pattabiram Chennai-600072
- 65 C. Jayaraman  
S/o M. Chinnakulandai 61 Kaaignar St.  
Kakkanji Nagar Pattabiram Chennai-6000072
- 66 M.P. Mohana Rangan  
S/o M.P. Padmanaban 11/66 Mogappai East  
Chennai-600037
- 67 S. Dharman  
S/o V. Samivel F4 Kanchana Flats 38/58  
Pushpavathi Ammal st. West Mambalam  
Chennai-600033
- 68 K. Balasubramanian  
S/o M. Karuppaiah 39 Gandhinagar  
Madambakkam Chennai-600126
- 69 R. Kuppusamy  
S/o 264 Arul Nagar Urappakkam west  
Kanchipuram Dt. 603211
- 70 M. Neelakantan  
S/o Munuswamy 15 Sundaram 4th st.  
Vyasarpadi Chennai-600039
- 71 S. Sundarresan  
S/o santhiagu 5 Bharathy st. Durga Nagar  
T.B. Sanatorium Chennai-600047
- 72 V. Swamikkannu  
S/o K. Veeran 3/8 Welcome Colony Anna

Nagar West Chennai-600101

- 73 S. Anjali  
W/o Late T. Swamikannu 20 3rd Cross St.  
Babu Nagar Pattabiram Chennai-600072
- 74 M. Sathyamurthy  
S/o Murugesan 2/13 D Type 16th st.SIDCO  
Nagar Villivakkam Chennai-600049
- 75 E. Ramaswamy  
S/o Ellappan 22/15 Bandala Venugopal St.  
Triplicane Chennai-600005
- 76 D. Kaliyappan  
S/o S. Dharmar Plot No.15 Lakshminagar  
Thirunidravar 602024
- 77 E. Krishnamoorthy  
S/o C. Ekambaram 3 Kanniappan Nagar  
Thiruninravur
- 78 P. Arumugham  
S/o M. Poyyathappan S.F. Block 1 Jain  
Nakshtra Apts. Chinna Nolambur 82 Union  
Road Maduravoyal Chennai600095
- 79 J. Shanmugam  
S/o Jayavel B4/306 99th st. Muthamizh  
Nagar Chennai 600118
- 80 N. Kanniappan  
S/o A. Natesan 14/7 Radhakrishnan st.  
Sri Devi Nagar Avadi Chennai-600071
- 81 S. Rajamani  
S/o D. Shanmugam 34 A Block Nedunchelian  
Nagar Chintradipet Chennai -600002
- 82 B. Ramakrishnan  
S/o N. Bhavaraha Murthy G2 Plot5  
Thangavel Avenue Balaraman Nagar Road  
Ullagaram Chennai-600091



- 83 V. Chithirai  
S/o Veeraraghavan 19 Aavai Shanmugam Salai  
Triplicane Chennai-600005
- 84 V. Sivamani  
S/o K. Varathan 4 Pandian st. Varadharaja  
Nagar Periyakuppam Thiruvallur-600201
- 85 A.Lalitha  
D/o G. Arumugam 14 3rd st. Ganesapuram  
Tenampet Chennai-600018
- 86 N. Megarani  
D/o C. Nagalingam 25/12 Koiluruamman st.  
Chintadripet Chennai-600002
- 87 D. Dorairaj  
S/o R. Devaraj 145 Appaswamy st. 6th  
Avenue Harrington Road Chetpet Chennai-  
600031
- 88 S. Prasad  
S/o A. Simon 3 Plot No.8 Amman Nagar  
Puzhithi vakkam Chennai-600091
- 89 D. Sivaraj  
S/o Devaraj 154 A Raja st. Padi Chennai-  
600050
- 90 P. Rajamannar age 67  
S/o T. Perumal 1 Chelliamman Nagar Extn.  
Koyambedu Chennai-600107
- 91 P. Anthonidoss age 67  
S/o A. Ponnusamy 1/22 Madha koil st.  
Nallan Pillai Petral village Vilupuram-  
604152
- 92 P. Swaminathan age 66  
S/o Perumal 14 3rd Main st. Vallalar  
Nagar Pattabiram Chennai-600072
- 93 R. Sambandam age 71  
S/o Ramanathan K 3/6 Gokulam-Phase-1  
Sri Ram Nagar Main Road Nolambur Chennai-  
600095

- 94 K. Swaminathan age 64  
S/o D. Kannappan 24 Thirumal sreenivasa  
Nagar Vinayapuram Chennai-600099
- 95 K. Varathan age 64  
S/o S. Kannan 22 Veeraragavan Nagar J.J.  
Road Kolathur Chennai-600099. .. Petitioners

Versus

- 1 Union of India  
Rep. by Secretary to Government of India  
Ministry of Labour and Employment Shram  
Shakti Bhawan Rafi Marg New Delhi-110 001.
- 2 Central Provident Fund Commr.  
Employees Provident Fund Organisation  
Ministry of labour & Employment Govt. of  
India Bhavishya Nidhi Bhawan 14 Bhikaji  
cama Place New Delhi-66
- 3 Addl. Central Provident Fund  
Commr. HQ(Pension) Employees Provident Fund  
Organisation Bhavishya Nidhi Bhawan + 14  
Bhikaji Cama Place New Delhi-110 066.
- 4 Regional Provident Fund  
Commr.-I (Pension) Employees Provident Fund  
Organisation Bhavishya Nidhi Bhawan 14  
Bhikaji Cama Place New Delhi-110 066.
- 5 Addl. Central Provident Fund  
commr. Employees Provident Fund  
Organization 37 Royapettah High Road  
Chennai-600 014.
- 6 Regional Provident Fund  
Commr. Employees Provident Fund Organization  
37 Royapettah High Road Chennai-600 014.
- 7 Food Corporation of India (FCI)  
Rep. by Chairman & MD 16-20  
Barakhamba Lane New Delhi-110 001.

8 **The Executive Director (South)**  
**Food Corporation of India No.3**  
**Haddows Road**  
**Chennai-600 006.**

9 **FCI Provident Fund Trust**  
**Rep. by its Secretary Food Corporation of**  
**India (FCI) 16-20 Barakhamba Lane,**  
**New Delhi-110 001. ... Respondents**

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned letter issued by the 4th respondent in No. Pension/I/ 12/33/ EPS Amendment/96 Vol-II dated 31.05.2017 and quash the same and consequently direct the respondents to grant pension on higher wages under EPS 1995.

For Petitioners : Mr.A.Jenasenan

For Respondents: Mr.T.R.Sundaram for R1toR6

सत्यमेव जयते  
COMMON ORDER

In a batch of Writ Petitions, similar to the present Writ Petitions, in W.P.No.14368 of 2018, etc., this Court passed detail directions in para 48 and allowed all the Writ Petitions in para 49, which are extracted as under:

"48. In the above mentioned circumstances, this Court consider the following directions as expedient to resolve the issues as projected in the Writ Petitions.

i) Both the employees of the exempted and unexempted establishments are entitled to the benefit of enhanced pension on the basis of their contribution with reference to actual salary received by them to their Provident Fund accounts;

ii) The cut off date as prescribed i.e. 01.12.2004 is invalid in law and therefore, the same is held to be illegal and invalid;

iii) The employees, namely, the writ petitioners shall be permitted to exercise their option in terms of *Proviso* to Clause 11(3) of the Pension Scheme and while permitting so, the EPFO is at liberty to seek return of the higher Provident Fund contribution received by the respective employees with simple interest at the rate of 6% p.a. from the date of receipt of Provident Fund amount

and till the date of payment;

iv) The amounts to be refunded by the employees concerned shall be verified by the EPFO in consultation with the respective establishments in which the employees were employed;

v) On refund of the verified amount with interest, the EPFO shall calculate and grant enhanced pension on the basis of actual salaries received by the employees with arrears of pension from the date of their retirement and continue to pay their monthly enhanced pension through out their life time;

vi) In case where the refund of the amount by any employee with interest is higher than the enhanced pension with arrears payable to him, the refund shall be insisted upon and in case where the refund, after calculation, is lower than the arrears of pension payable to the employee, the same shall be adjusted while disbursing the arrears to the employees concerned;

vii) The respective Managements of

the exempted establishments which maintained the Private Trust are directed to cooperate with the EPFO and render all assistance in quantifying the amount to be refunded by the respective employees with interest at 6% p.a. on such refund;

viii) The entire exercise shall be initiated and completed by the individual Managements and the EPFO within a period of six months from the date of receipt of a copy of the order.

49. **In the result**, all the Writ Petitions are allowed on the above terms. The orders of rejection which are impugned in the respective Writ Petitions, are hereby quashed and as regards the Writ Petitions pertaining to the grant of Writ of Mandamus to the authorities for grant of enhanced pension are concerned, the same are allowed as indicated above. No costs. Consequently, all connected WMPs are closed.

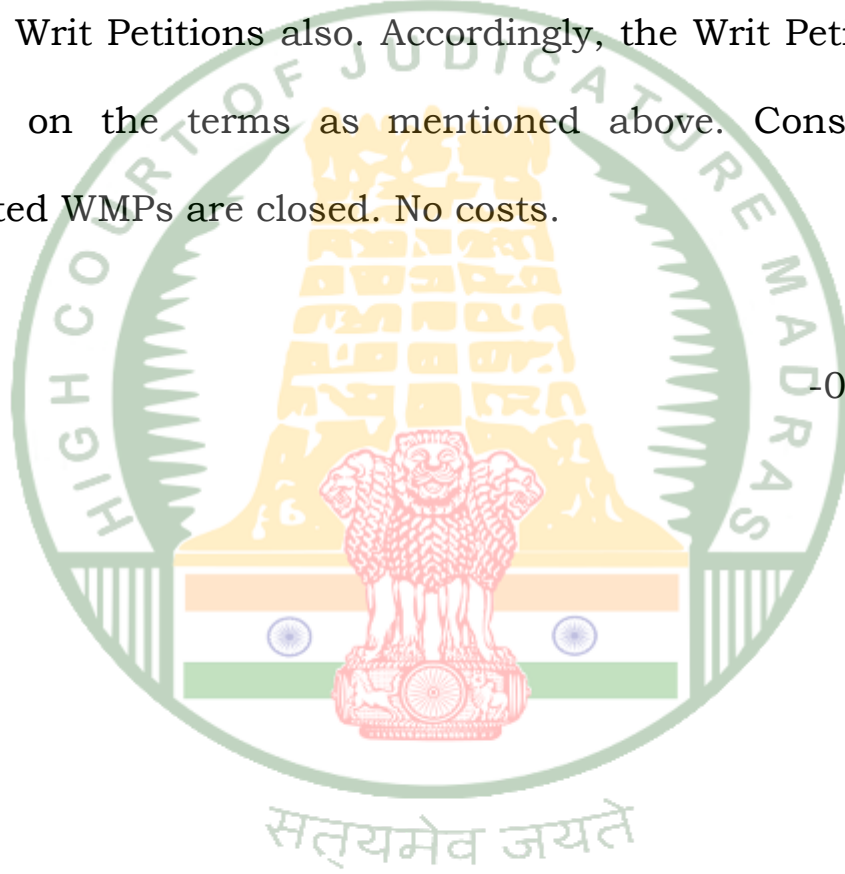
2. The reasons and the findings in their entirety as rendered in the batch of Writ Petitions are to be read as part

and parcel of the present Writ Petitions as well.

3. In the light of the above, this Court is of the view that the above directions and observation will hold good for the present Writ Petitions also. Accordingly, the Writ Petitions are allowed on the terms as mentioned above. Consequently, connected WMPs are closed. No costs.

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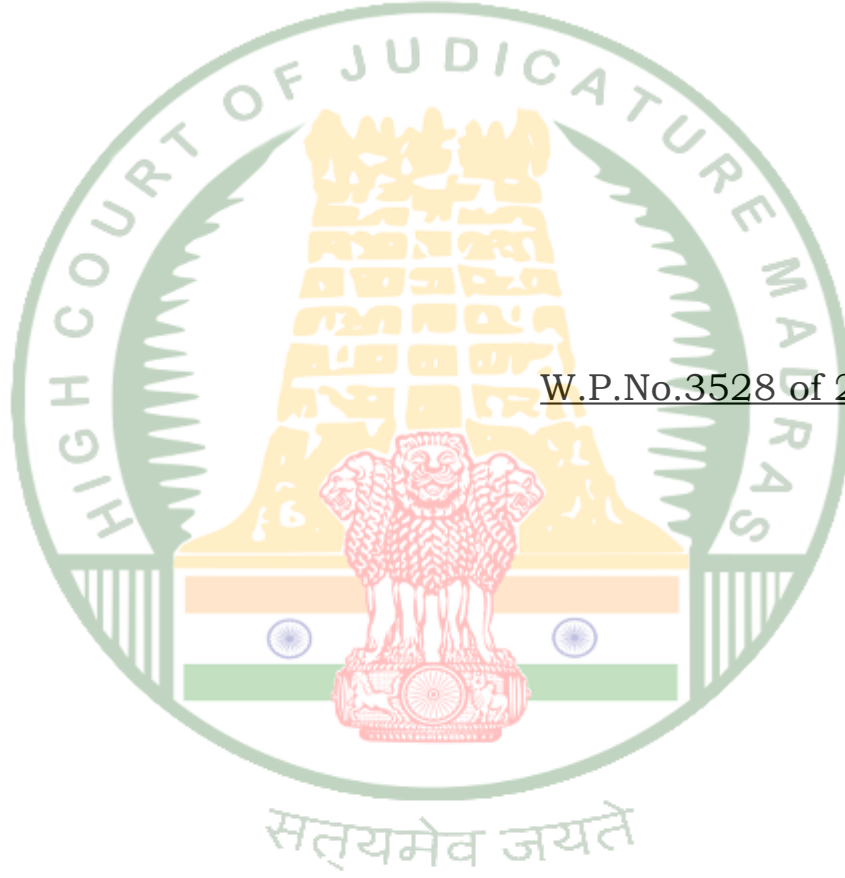
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V.PARTHIBAN, J.

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W.P.No.3528 of 2018, etc.

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