



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO. 36597 OF 2025 (L-PF)

BETWEEN:

1. VIKRANT TYRES EMPLOYEES UNION,
A REGD. UNION, REGISTERED
UNDER THE TRADE UNIONS ACT, 1926,
REPRESENTED BY ITS GENERAL SECRETARY,
64, KRS ROAD, MYSURU-570016.
2. VIKRANT TYRES NIVRUTHA NAUKARARA
KSHEMABHIVRUDHI SANGHA,
REGISTERED UNDER THE KARNATAKA SOCIETIES
REGISTRATION ACT, 1960 REPRESENTED
BY ITS GENERAL SECRETARY
582, 7TH C CROSS, 1 STAGE, HEBBAL,
MYSURU-570016

...PETITIONERS

(BY SRI L MURALIDHAR PESHWA,ADVOCATE)

AND:

1. THE EMPLOYEES PROVIDENT FUND ORGANISATION
(A STATUTORY BODY UNDER
THE MINISTRY OF LABOUR AND EMPLOYMENT,
UNION OF INDIA)
(REPRESENTED BY REGIONAL PROVIDENT
COMMISSIONER) HAVING ITS OFFICE AT,
109-128, GAYATHRI PURAM, 2ND STAGE,
MYSURU-570019.
2. M/S JK TYRE AND INDUSTRIES LTD.,
(REGISTERED UNDER COMPANIES ACT, 1956)
HAVING ITS OFFICE AT,KRS ROAD, METAGALLI,
MYSURU-570016

Digitally signed
by BELUR
RANGADHAMA
NANDINI

Location: HIGH
COURT OF
KARNATAKA



(REPRESENTED BY ITS VICE PRESIDENT).

...RESPONDENTS

(BY SRI K N VASUKI, ADVOCATE FOR
SRI B C PRABHAKAR, ADVOCATE FOR R2,
SMT B V VIDYULATHA, ADVOCATE FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE ORDER DATED 17-3-2025 PASSED BY FIRST RESPONDENT IN ANNEXURE N AS THE SAME IS ILLEGAL, UNFAIR, WITHOUT APPLICATION OF MIND, AGAINST THE WELL ESTABLISHED PRINCIPLES OF LAW, AGAINST THE DIRECTIONS ISSUED BY THE HONBLE APEX COURT AND UNCONSTITUTIONAL AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

This petition is filed assailing the order at Annexure - N. In terms of the said order dated 17.03.2025, the application filed by the petitioners for the relief under the Employees' Pension Scheme, 1995 (Scheme, 1995) is rejected.

2. Respondent No.2 is the employer. Petitioners No.1 and 2 are the registered Unions of the employees of respondent No.2.

3. Learned counsel appearing for the petitioners would submit that the members of the petitioners' Union submitted



joint application for pension on higher wages under the Scheme, 1995 and their claim for higher pension is supported by the Trust Rules of respondent No.2 - employer. Respondent No.2 is an exempted Establishment under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and not exempted under paragraph No.39 of the Scheme, 1995.

4. It is the contention of the learned counsel for the petitioners that the members of the petitioners' Union are making periodical contribution to the pension fund on full wages and for this reason, they made an application for granting necessary benefit/pension on higher wages under the Scheme, 1995 and in terms of the impugned order at Annexure - N, the application is rejected.

5. Learned counsel for the petitioners would refer to reasons in the impugned order, more particularly, unnumbered sub-paragraph as well as the fourth paragraph in page No.2 of the order to reject the petitioners' application. Respondent No.1 has referred to Rule 11 of The Trust Rules, to reject the application, which has no application to the petitioners -Union or respondent No.2.



6. Learned counsel to substantiate his contention would also refer to Annexure - A, the Trust Rules applicable to respondent No.2 and would invite the attention of the Court to Rules 11 and 15 of the said Trust Rules. Rule 11 of the said Rules would refer to the 'Nomination' and Rule 15 of the said Rules provides for 'Members Contribution' to the Provident Fund.

7. These two Rules in the aforementioned Annexure - A do not incorporate in Rule 11 referred to in the impugned order. As can be seen from the impugned order, the first respondent has rejected the claim on the premise that Rule 11 extracted in the impugned order does not provide for exercising the joint option.

8. Learned counsel appearing for the first respondent would defend the order.

9. Learned counsel for the second respondent would support the learned counsel appearing for the petitioner.

10. The Court has considered the contentions raised at the Bar and perused the records.



11. Rule 11 of the Trust Rules applicable to respondent no. 2 relate to nomination and Rule 15 provides for employees contribution to the provident fund. Rule 11 referred to in the impugned order is not applicable to the petitioners and respondent No.2.

12. This being the case, the Court is of the view that the impugned order is passed without there being any application of mind as Rule 11 quoted in the impugned order does not refer to the petitioners as well as respondent No.2.

13. Hence the following:

ORDER

- (i) Writ Petition is ***allowed***.
- (ii) The impugned order dated 17.03.2025 at Annexure-N passed by the Regional Provident Fund Commissioner II, Regional Office, Mysuru is quashed.
- (iii) Respondent No.1 is directed to consider the petitioner's application for higher pension on higher wages as per the provisions of the Employees' Pension Scheme, 1995 keeping in mind the law laid down in ***Employees Provident***



Fund Organisation and Another vs Sunil Kumar B And Others¹.

- (iv) The application shall be considered by taking into consideration relevant documents and contributions, if any, made.
- (v) The exercise shall be completed within 90 days from the date of receipt of copy of this order.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

BRN
List No.: 1 Sl No.: 0

¹ (2023) 12 SCC 701