

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C).No. 1291 of 2007 (D)

PETITIONER :

SMT. RETNAMMA @ RETNAMGI,
KOYIKKAMUKALIL VEEDU, EDAKKADU P.O.

BY ADV. SRLS.MUHAMMED HANEEFF

RESPONDENT(S):

1. ASSISTANT PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANIZATION
REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN, PATTOM
THIRUVANANTHAPURAM.
2. KERALA NUT FOOD COMPANY,
REP. BY ITS MANAGER, KADAMPANAD P.O., PATHANAMTHITTA.

R1 BY ADV. SRL.N.N. SUGUNAPALAN, SC, P.F.

R1 BY ADV. SMT.T.N.GIRIJA, SC,EPF ORGANISATION

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
06-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.1291 OF 2007

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: TRUE COPY OF THE COMMUNICATION NO. KR/1217/A.16(1)/06 DT 28.3.2006 OF THE 1ST RESPONDENT

EXT.P2: TRUE COPY OF THE APPLICATION IN FORM 10d ALONG with THE ENCLOSED DOCUMENTS AND THE REPRESENTATION OF THE PETITIONER SUBMITTED BEFORE THE 1ST RESPONDENT

EXT.P3: TRUE COPY OF THE COMMUNICATION OF THE 1ST RESPONDENT DT 24.8.2006

EXT.P4: TRUE COPY OF the ORDER PASSED BY THE 1ST RESPONDENT IN RESPECT OF SANTHAMMA, A WORKER IN THE 2ND RESPONDENT FIRM

RESPONDENTS EXHIBITS : NIL

TRUE COPY

P.A TO JUDGE

jma

K. VINOD CHANDRAN, J

W.P(C) No. 1291 of 2007

Dated this the 6th day of April, 2015

J U D G M E N T

The petitioner was before this Court seeking acceptance of Ext.P2 option application and disbursement of benefits under the Employees Provident Fund Pension Scheme, 1995.

2. There is no appearance for the petitioner. However, the learned Standing Counsel for the Provident Fund Organisation appears and states the facts and argues the case. The petitioner admittedly was an employee covered under the Employees Provident Fund and Miscellaneous Provisions Act, 1952. However, she had neither expressed an option under the Family Pension Scheme of 1971 nor that of 1995. The petitioner retired on 31.12.2005 and submitted an option to be covered under the pension scheme also. However, the Form No.21 submitted by the petitioner at the time of her joining for employment indicated her date of birth to be 07.01.1947. The option expressed however contained a different date of birth being

28.01.1949. It was hence the claim was rejected. Subsequent to that, the petitioner along with her School Leaving Certificate produced a declaration showing the correct date of birth. In such circumstance, the same was accepted and the petitioner was decided to grant pension and the petitioner was hence directed to pay Rs.12508/- with interest being the family pension fund contribution for regularising the period between 01.03.1971 to 15.11.1995 and to submit application for pension through the employer along with a chalan for remittance of the aforesaid amount. The said communication was issued on 19.03.2007 after the filing of the writ petition. Hence the petitioner if not already availed of the opportunity given to her, would be entitled to pursue the same as permitted by the Organisation even at this distance of time, by satisfying any additional claim of interest raised by the respondent Organisation.

With the above observation, writ petition would stand closed.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge