

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

WA.No. 2044 of 2015 IN WP(C)31713/2014

AGAINST THE JUDGMENT IN WP(C) 31713/2014 of HIGH COURT OF KERALA
DATED 27-11-2014

APPELLANT(S)/RESPONDENTS 1 TO 3:

1. UNION OF INDIA (UOI)
REPRESENTED BY THE SECRETARY TO GOVERNMENT OF INDIA
MINISTRY OF LABOUR & DEVELOPMENT OF EMPLOYMENT
NEW DELHI-110 001.
 2. REGIONAL PROVIDENT FUND COMMISSIONER
EMPLOYEES PROVIDENT FUND ORGANIZATION (EPFO)
BHAVISHYANIDHI BHAVAN, PATOM PALACE
THIRUVANANTHAPURAM-695 004.
 3. ASSISTANT PROVIDENT FUND COMMISSIONER
SUB REGIONAL OFFICE
EMPLOYEES PROVIDENT FUND ORGANIZATION (EPFO)
BHAVISHYANIDHI BHAVAN, ERANHIPALAM, KOZHIKODE-673 006.
- BY ADVS.SRI.N.N.SUGUNAPALAN (SR.)
SMT.T.N.GIRIJA, SC,EPF ORGANISATION

RESPONDENT(S)/PETITIONER AND 4TH RESPONDENT:

1. K.KATHAYAYINI
JYOTSANA CHATTAMCHAL, THEKKIL.P.O., KASARGOD
PIN-671 541.
 2. MALABAR REGIONAL CO-OPERATIVE MILK PRODUCERS' UNION LTD.
REPRESENTED BY ITS MANAGING DIRECTOR
PERIMANGALAM.P.O., KUNNAMANGALAM, KOZHIKODE-673 571.
- BY SMT.LATHA KRISHNAN
BY SRI.P.N.MOHANAN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 29-09-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ami/

**ASHOK BHUSHAN, C.J. &
A.M.SHAFFIQUE, J.**

W.A.No.2044 of 2015

Dated this the 29th day of September, 2015.

J U D G M E N T

SHAFFIQUE, J.

This appeal is filed challenging the judgment dated 27.11.2014 in W.P.(C)No.31713/14, by the respondents in the writ petition. By the aforesaid judgment, the writ petition was disposed of in the following manner :

"5. Following the binding precedents, this writ petition is also disposed of directing that the 8.33% of the employer's contribution, proportionate to the salary of the employee, in excess of Rs.6,500/-, shall now be credited to the Pension Scheme and orders passed in accordance with law. Needless to say the interest accrued in the Provident Fund Account to that extent also will stand transferred to the Pension Account.

6. With respect to retired employees, who have drawn their retirement benefits by way of Provident Fund proportionate amounts along with interest accrued in the account as also that accrued after the withdrawal of the Provident Fund amounts, have to be refunded to the Provident Fund Organization. The extant employees and those retired shall also submit joint applications, along with their employer wherever the same has not been done. The directions above

noted shall be complied within three months from the date of receipt of a certified copy of this judgment."

2. Heard the learned counsel for the appellants as well as the learned counsel appearing for the respondents. It is pointed out by the learned counsel for the appellants that similar matter is pending before the Apex Court and certain appeals have already been disposed of by Division Bench of this Court reserving liberty to the petitioner to take further steps against the concerned respondents, based on the verdict to be passed by the Apex court and that the above appeal can also be disposed of in the same manner.

3. Reference is made to judgment dated 6.8.2015 in W.A.No.1587/15 and connected cases.

4. Having regard to the aforesaid submissions, we dispose of the above appeal with the same direction as stated in aforesaid judgment and accordingly this writ appeal is disposed of with liberty to the appellant to proceed further against the respondents, based on the judgment to

be passed by the Apex court in the case now pending as SLP
No.1137/12.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M.SHAFFIQUE,
JUDGE.

ami/

//True copy//

P.A.to Judge