

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY**

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

WA.No. 2440 of 2015 () IN WP(C).11108/2015

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AGAINST THE JUDGMENT IN WP(C) 11108/2015 of HIGH COURT OF KERALA DATED
06-04-2015**

APPELLANTS/RESPONDENTS 1 & 2:

-
- 1. UNION OF INDIA (UOI)
REPRESENTED BY THE SECRETARY TO GOVERNMENT OF INDIA
MINISTRY OF LABOUR & DEPARTMENT OF EMPLOYMENT
NEW DELHI-110 001.**
 - 2. REGIONAL PROVIDENT FUND COMMISSIONER
EMPLOYEES PROVIDENT FUND ORGANIZATION (EPFO)
"BHAVISHYANIDHI BHAVAN", PATTOM PALACE
THIRUVANANTHAPURAM, PIN-695 004.**

**BY ADVS.SRI.N.N.SUGUNAPALAN (SR.)
SMT.T.N.GIRIJA, SC,EPF ORGANISATION**

RESPONDENTS/PETITIONERS AND RESPONDENT NO.3:

-
- 1. AJITH.S,
(EMPLOYEE CODE 2806), AJITH BHAVAN,
CHERUVATTIYOORKONAM, PULIYARAKONAM P.O.,
THIRUVANANTHAPURAM-695 573.**
 - 2. ANILKUMAR R.,
(EMPLOYEE CODE 2904) R.S.BHAVAN, PARAVOTTUKONAM,
NADOORKOLLA, AMARAVILA P.O., THIRUVANANTHAPURAM.**
 - 3. RAJESH C.,
(EMPLOYEE CODE 2899) RADHIKA NIAVAS, CHENNATTUKONAM,
ALAKUNNAM, PEYAD P.O., THIRUVANANTHAPURAM-695 573.**
 - 4. ANOOP A.K.,
(EMPLOYEE CODE 2843) KUNNUVILLA VEEDU, VELLAIKADAVU,
KODUNGANNOOR P.O., THIRUVANANTHAPURAM-695 013.**
 - 5. SHAMEER A.,
(EMPLOYEE CODE 2776) N.V.K.HOUSE, THURUTHY, NEDUMANGAD,
THOLICODE P.O., THIRUVANANTHAPURAM-695 542.**
 - 6. SREEKUMAR BABU M.B.,
(EMPLOYEE CODE 2702) MANEZHATH HOUSE, EDA-COCHI,
COCHIN-10.**

7. JOBIN T.,
(EMPLOYEE CODE 2746) PUTHUPARAMBIL HOUSE, MALAMUKAL,
KODUNGANOR P.O., THIRUVANANTHAPURAM-695 013.
8. AMBILI KUMAR V.S.,
(EMPLOYEE CODE 2428) KUZHIVILAKATHU VEEDU, KALATHUKAL,
KARAKULAM P.O., THIRUVANANTHAPURAM-695 564.
9. K.VENUGOPALAN NAIR,
(EMPLOYEE CODE 2071) 'SREE SASTHA', THACHOTTUKAVU,
MALAYINKIL P.O., THIRUVANANTHAPURAM-695 571.
10. SHERLY JASMIN.J.,
(EMPLOYEE CODE 2777) ESHARATH T.C.13/667,
PUNNAKKAMUGHAL, AMBEDKAR ROAD,
ARAMADA P.O.
11. MURALEEDHARAN NAIR.A.,
(EMPLOYEE CODE 2127) KOOVIL VEEDU, PULIYARAKONAM P.O.,
THIRUVANANTHAPURAM-695 573.
12. VIJAYAKUMAR,
(EMPLOYEE CODE 2038) AKASH BHAVAN,
CHERUVATTIYOORKONAM, PULIYARAKONAM P.O.,
THIRUVANANTHAPURAM-695 573.
13. SHAIJU DENNISON,
(EMPLOYEE CODE 2883) KANNER VEEDU, ANAMUGHAM,
ARUKANY P.O., THIRUVANANTHAPURAM-695 101.
14. AJITHKUMAR U.,
(EMPLOYEE CODE 2885) LAVANYA, TC 10/2221,
KANJIRAMPARA P.O., THIRUVANANTHAPURAM-695 530
15. ARAVIND.K.G.,
(EMPLOYEE CODE 2891) NILA, SNRA H3, KUMBIL VILA,
MUKKOLA P.O., THIRUVANANTHAPURAM-695 043.
16. LALU.D.C.,
(EMPLOYEE CODE 2880) PAZHAVATTU MELE D.C. NIVAS,
VADAKARA, MARAYAMUTTOM P.O.,
THIRUVANANTHAPURAM-695 124.
17. SHALU.D.C.,
(EMPLOYEE CODE 2791) PAZHAVATTU MELE D.C.NIVAS,
VADAKARA, MARAYAMUTTOM P.O.,
THIRUVANANTHAPURAM-695 124.
18. JUSTIN JOSE J.S.,
(EMPLOYEE CODE 2886) CHARUVILA, JUSTIN HOUSE,
KANJIRAMKULAM P.O., THIRUVANANTHAPURAM-695 524.
19. SHARON KUMAR P.S.,
(EMPLOYEE CODE 2909) OLH NO.03, KAVINPURAM,
VILAPPILSALA P.O., THIRUVANANTHAPURAM-695 573.

20. VISHNU MOHAN M.,
(EMPLOYEE CODE 2853) KOLACHIRRA, THOTTINKARA VEEDU,
PALLOLLU VILLA, MALAYINKEEZHU P.O.,
THIRUVANANTHAPURAM-695 571.
21. DEEPU C.S.,
(EMPLOYEE CODE 2864) MANJU BHAVAN, ALAYATTY,
THURATHUMMOOLA, PULIYARAKONAM P.O.,
THIRUVANANTHAPURAM-695 573.
22. VIPIN KUMAR B., (EMPLOYEE CODE 2829)
VIPINALAYAM, RAMESWARAM TEMPLE ROAD, PULIYARAKONAM,
THIRUVANANTHAPURAM-695 573.
23. SHAMSUDEEN. S.,
(EMPLOYEE CODE 2722) BINU MANZIL, KOCHUVILA P.O.,
PERINGAMMALA, THIRUVANANTHAPURAM.
24. VIJAYAKUMAR.R.,
(EMPLOYEE CODE 2739) VINTUVILLA, ALAKUNNAM,
PEYAD P.O., THIRUVANANTHAPURAM.
25. AJITH KUMAR.G.,
(EMPLOYEE CODE 2677) KALABHAVAN, THIRUPURAM P.O.,
NEYATTINKARA, THIRUVANANTHAPURAM-695.
26. SANJUKRISHNAN K.,
(EMPLOYEE CODE 2878) PUNARTHAM, MANCHADI,
MALAYINKIL P.O., THIRUVANANTHAPURAM-695 571.
27. SHIBU S.L.,
(EMPLOYEE CODE 2797) INCHIVILAKOM, VADAKKEKARA VEEDU,
ATHIYANNOOR, ARALUMOOD P.O.,
THIRUVANANTHAPURAM-695 123.
28. SUDHEESH M.N.,
(EMPLOYEE CODE 2886) MALAYILOZHATHIL,
SEETHATHODE P.O., PATHANAMTHITTA.
29. SURESHKUMAR K.S.,
(EMPLOYEE CODE 2842) PATHIRIATHU VEEDU, CHOWALLOOR,
VILAPPILSALA P.O., THIRUVANANTHAPURAM-695 573.
30. BIJU P.C.,
(EMPLOYEE CODE 2813) MANNANMKONAM PUTHEN VEEDU,
MUTHIYAVILA, KATTAKADA P.O.,
THIRUVANANTHAPURAM-695 572.
31. SIVA PRASAD.S.,
(EMPLOYEE CODE 2770) SIVALAYAM, T.C 10/930, VRA-69,
MANNAMMOOLA, PEROORKADA P.O.,
THIRUVANANTHAPURAM-695 005.

32. SHAJAHAN.A.,
(EMPLOYEE CODE 2743) HAZEENA MANZIL, PHC ROAD,
VILAPPILSALA P.O, THIRUVANANTHAPURAM-695 573.
33. RAJESH KUMAR.M.,
(EMPLOYEE CODE 2733) AMARATHUVILAKATHU VEEDU,
KATHALLOORMUTTOM, CHERIYAKONNI P.O.,
THIRUVANANTHAPURAM-695 013.
34. PRAVEEN.S.L.,
(EMPLOYEE CODE 2825) JESUS, KARAKONAM, MACHEL P.O.,
MALAYINKIL, THIRUVANANTHAPURAM-695 571.
35. GEORGEKUTYY A.,
(EMPLOYEE CODE 2128) EVARGREEN VILLA KOOVIL,
PULIYARAKONAM P.O., THIRUVANANTHAPURAM-695 573.
36. SATHEESHKUMAR K.S,
(EMPLOYEE CODE 2360) SREE BHAVAN, MOONGODU,
PEYAD P.O., THIRUVANANTHAPURAM.
37. RAVEENDRAN NAIR K.P.,
(EMPLOYEE CODE 2124) ATHIRA BHAVAN,
PULIYARAKONAM P.O., THIRUVANANTHAPURAM-695 573.
38. SAJU RAVI,
(EMPLOYEE CODE 2751) SANDHYA BHAVAN, SOORYA NAGAR-26A,
NETTAYAM P.O., THIRUVANANTHAPURAM-695 013.
39. SHAIJU V. DAS,
(EMPLOYEE CODE 2215) HAPPY HOME, T.C 18/2135/6, MANGAD,
THIRUMALA P.O., THIRUVANANTHAPURAM-695 006.
40. MADHAVIKUTTI .S.,
(EMPLOYEE CODE 2305) ATHIRA BHAVAN,
PULIYARAKONAM P.O., THIRUVANANTHAPURAM-695 573.
41. BAIJUMON G.,
(EMPLOYEE CODE 2892) RENJITH BHAVAN, PLAVOOR,
AMACHAL P.O., THIRUVANANTHAPURAM-695 572.
42. GIREESH R.S.,
(EMPLOYEE CODE 2862) KADAIVILA VEEDU,
PARASUVAIKKAL P.O., PARASSALA,
THIRUVANANTHAPURAM-695 508.
43. DAVIDSON S.G.,
(EMPLOYEE CODE 2795) DANVILLA,
NEAR THE MOSQUE CHANGA, CHANGA P.O.,
THIRUVANANTHAPURAM-695 542.
44. JAYALEKHA M.S.,
(EMPLOYEE CODE 2774) SHARON, MANAKALA,
VAZHICHAL P.O., THIRUVANANTHAPURAM.

45. LEKHA D.,
(EMPLOYEE CODE 2379) PRANAVAM, ALLAMKODE,
PULIYARAKONAM P.O., THIRUVANANTHAPURAM-695 573.
46. ANITHAKUMARI.N.,
(EMPLOYEE CODE 2289) KASTHURI BHAVAN, KUZHUMUM,
MACHEAL.P.O., MANAPURAM, THIRUVANANTHAPURAM.
47. RADHIKAKUMARI.S.,
(EMPLOYEE CODE 2287) SARANA, RAMESWARAM,
AMARAVILA P.O., NEYYATTINKARA, THIRUVANANTHAPURAM.
48. RAJESH KUMAR.S.,
(EMPLOYEE CODE 2755) PUNNAMOODU VEEDU,
KATTAKODE P.O., KATTAKADA, THIRUVANANTHAPURAM.
49. PRASAD.C.S.,
(EMPLOYEE CODE 2798) C.S.NIVAS, THACHANCODE,
PAMAMCODE,INDUSTRIAL ESTATE P.O.,
THIRUVANANTHAPURAM.
50. VIPIN DAS Y.,
(EMPLOYEE CODE 2868) DAS COTTAGE, KUZHITHAKIDI,
PERUKAVU P.O., THIRUVANANTHAPURAM-695 573.
51. RAJESH KUMAR.G.,
(EMPLOYEE CODE 2804) KESHAVAM, VEERANAKAVU,
VEERANAKAVU P.O., THIRUVANANTHAPURAM-695 572.
52. BINU C.,
(EMPLOYEE CODE 2890) KINGINIPARA THADATHARIKATHU
PUTHEN VEEDU, CHOWALLOOR, PULIYARAKONAM P.O.,
THIRUVANANTHAPURAM-695 573.
53. KRISHNAKUMAR M.P.,
(EMPLOYEE CODE 2775) AVUTHANCODE, PUTHEN VEEDU,
VATTIYOORKAVU P.O., THIRUVANANTHAPURAM-695 013.
54. UNNIKRISHNAN M.,
(EMPLOYEE CODE 2765) VRINDANAM, V.P.XI/649(A), ELLUVILA,
VILAPPILSALA P.O., THIRUVANANTHAPURAM-695 573.
55. PRAVEEN GEORGE G.V.,
(EMPLOYEE CODE 2834) PARAMBINTHALA KEEZHE PUTHEN VEEDU,
CHOWALLOOR, VILAPPILSALA P.O.,
THIRUVANANTHAPURAM-695 573.
56. SATHI KUMARI,
(EMPLOYEE CODE 2256) SATHI BHAVAN, CHARUVILA,
KOLLAMKONAM, PEYAD P.O., THIRUVANANTHAPURAM.
57. VINOD KUMAR K.,
(EMPLOYEE CODE 2410) T.C 10/1644, THIRUVATHIRA,
KEERTHI GARDEN, VATTIYOORKAVU P.O.,
THIRUVANANTHAPURAM.

58. ANNIE GEORGE E.,
(EMPLOYEE CODE 2441) T.C 12/441, PLAMOODU P.O., PATTOM,
THIRUVANANTHAPURAM-695 504.
59. SURESH RAJ M.L.,
(EMPLOYEE CODE 2874) LEELA BHAVAN, VAYALIKADA,
VATTIYOORKAVU P.O., THIRUVANANTHAPURAM-695 013.
60. JAYADEV D.,
(EMPLOYEE CODE 2799) PULIMOOTTU VEEDU,
OPP. ARYANAD POLICE STATION, ARYANAD P.O.,
THIRUVANANTHAPURAM-695 542.
61. RATHEESH KUMR R,
(EMPLOYEE CODE 2766) GRACE VILLA, MYLADI,
PULIYARAKONAM P.O., THIRUVANANTHAPURAM-695 542.
62. PRIJITYH R.S.,
(EMPLOYEE CODE 2850) AISWARAYA VIHAR, MUKKALI,
KOTTAKKAKOM P.O., ARYANAD, THIRUVANANTHAPURAM-695 542.
63. LAILA SAROJAM,
(EMPLOYEE CODE 2152) DIVINE, PAZHAYAKADA,
THIRUPURAM P.O., THIRUVANANTHAPURAM.
64. ABILASH C.,
(EMPLOYEE CODE 2876) DAS BHAVAN,
VELIKONAM CHERUVALLOOR P.O., K.K.DIST-629 152.
65. RAHUMATH BEEVI.I.,
(EMPLOYEE CODE 2179) BADHURAM, VRA-83, VAZHOTTUKONAM,
VATTIYOORKAVU P.O., THIRUVANANTHAPURAM-695 013.
66. BINDUMOL C.P.,
(EMPLOYEE CODE 2290) DREAM LAND APARTMENT, TF-3,
MARUTHANKUZH, KANJIRAMPARA P.O. THIRUVANANTHAPURAM.
67. LEELA K.P.,
(EMPLOYEE CODE 2079) KRIPA SADANAM, CHERUVALLOOR,
DEVICODE P.O., K.K.DISTRICT.
68. SREEKALA S.,
(EMPLOYEE CODE 2267) KOLLAMVILA VEEDU,
KANCHAMPAZHINJI P.O., THIRUPURAM.
69. JOHNY M.,
(EMPLOYEE CODE 2695) AJAY BHAVAN, ALAKUNNAM,
PEYAD P.O., THIRUVANANTHAPURAM.
70. SUMA DEVI C.P.,
(EMPLOYEE CODE 2280) ETTURUTHIL HOUSE, ALIETTY,
PULIYARAKONAM P.O., THIRUVANANTHAPURAM-695 573.

71. HARIKUMAR K.J.,
(EMPLOYEE CODE 2752) KUNNUVILA VEEDU, VELLAIKKADAVU,
KODUNGANOOR P.O., THIRUVANANTHAPURAM-695 013.
72. JOHNSON CLEETUS,
(EMPLOYEE CODE 2137) ETTURUTHIL HOUSE, ALIETTY,
PULLIYARAKONAM P.O., THIRUVANANTHAPURAM-695 573.
73. LATHA KUMARI.L.,
(EMPLOYEE CODE 2258) TAZHAMANGALAM,
PUNARAVILA ELLA ROAD, ALLAKUNAM,
PEYAD P.O., THIRUVANANTHAPURAM.
74. CHRISTA PRASANNA RATNAM.N.,
(EMPLOYEE CODE 2257) LAL BHAVANA, CHOWALLOOR,
PULIYARAKONAM, THIRUVANANTHAPURAM-695 573.
75. SUBHA S., (EMPLOYEE CODE 2251)
SREEBHAVAN, CHERUVAIKKAL, SREEKARIYAM P.O.,
THIRUVANANTHAPURAM-695 517.
76. RESHMI.P.R.,
(EMPLOYEE CODE 2710) SREE PADAM, KOOTTAPPANA,
NEYYATTINKARA P.O., THIRUVANANTHAPURAM.
77. SANJEEV T.K.,
(EMPLOYEE CODE 2451) TC 3/1287, PARVATHY MANDIRAM,
T.K.D. ROAD, EAST PATTOM, THIRUVANANTHAPURAM.
78. SINDHU. M,
(EMPLOYEE CODE 2848) CHERUKONATHU VEEDU,
PULIYARAKONAM P.O., THIRUVANANTHAPURAM-695 573.
79. AMBIKA KUMARI.S.V.,
(EMPLOYEE CODE 2288) SARANYA SREE,
RAILWAY STATION ROAD, NEYYATTINKARA P.O.,
THIRUVANANTHAPURAM.
80. SHYLAJA G.I.,
(EMPLOYEE CODE 2197) PALLATHU HOUSE, MARUTHOOR,
VATTAPPARA P.O., THIRUVANANTHAPURAM.
81. GEETHA KUMARI .J.,
(EMPLOYEE CODE 2847) GEETHA BHAVAN, MUNNAKARA,
KALLIKKADU, MYLAKKARA P.O., KATTAKKADA,
THIRUVANANTHAPURAM.
82. HIRAN BABU.B.,
(EMPLOYEE CODE 2844) KUNNUVILA VEEDU, VELLAIKKADAVU,
KODUNGANOOR P.O., THIRUVANANTHAPURAM-695 013.
83. JACKSON LAZER,
(EMPLOYEE CODE 2486) HALO, T.C 01/187, ST.MONICAN LANE,
PALLITHURA P.O., THIRUVANANTHAPURAM-695 586.

84. SHARI GURUNADH,
(EMPLOYEE CODE 2915) SARAL, ARYANAD P.O.,
THIRUVANANTHAPURAM.
85. ARUNKUMAR.C.,
(EMPLOYEE CODE 2786) ARUN NIVAS, CHERIYAKONNI P.O.,
THIRUVANANTHAPURAM-695 013.
86. GIREESH M.V.,
(EMPLOYEE CODE 2796) GIREESH MANDIRAM,
KOTTUKANJIRAMVILA, PAPPANAMCODE,
THIRUVANANTHAPURAM-695 018.
87. K.AYYAPPAN,
(EMPLOYEE CODE 2459) REVATHY NIVAS,
ARAPURA PUTHEN VEEDU, MELAMCODE, NEMOM P.O.,
THIRUVANANTHAPURAM-695 020.
88. JAYAKUMAR.K.,
(EMPLOYEE CODE 2754) ADTHYA BHAVAN, MADAVILA,
ARUVIKONAM, MOONNAMMOODU, VATTIYOORKAVU P.O.,
THIRUVANANTHAPURAM.
89. RAMESH KUMAR.L.,
(EMPLOYEE CODE 2714) ALUMMUGAL VEEDU, ARUVIKONAM,
MOONNAMMOODU, VATTIYOORKAVU P.O, THIRUVANANTHAPURAM.
90. R.DAISY,
(EMPLOYEE CODE 2832) MB NIVAS, KALKUZHI, KALATHARA,
MANCHA P.O., THIRUVANANTHAPURAM.
91. DEEPAK RAM.V.,
(EMPLOYEE CODE 2845) ASWATHY, KAVINPURAM,
VILAPPILSALA P.O., THIRUVANANTHAPURAM.
92. KOUSALYA K.,
(EMPLOYEE CODE 2736) THENAVILA PUTHEN VEEDU,
PULIYARAKONAM P.O., THIRUVANANTHAPURAM.
93. K.S.SASIKALA,
(EMPLOYEE CODE 2130) PUTHUVAVILA, POTTAYIL VEEDU,
KAVALLOOR, KRWA- 153A, VATTIYOORKAVU P.O.,
THIRUVANANTHAPURAM.
94. P.JYOTHISHKUMARI,
(EMPLOYEE CODE 2025) THEJAS, MALACKAL SAW MILL LANE,
PEYAD P.O., THIRUVANANTHAPURAM.
95. JAYANTHI DEVI,
(EMPLOYEE CODE 2099) SOPANAM, VELLAIKADAVU,
KODUNGANOOR P.O., VATTIYOORKAVU, THIRUVANANTHAPURAM.
96. SANTHOSH KUMAR P.,
(EMPLOYEE CODE 2757) SNEHA VEEDU, NAGAKODU,
PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

WA.No. 2440 of 2015

97. NIBIN RAJ T.R.,
(EMPLOYEE CODE 2773) V.V.BHAVAN, VENPAKAL,
VENPAKAL P.O., THIRUVANANTHAPURAM.
98. GIRILAL.V.,
(EMPLOYEE CODE 2833) GEETHU BHAVAN,
CHERUVATTIKONAM,PULIYARAKONAM P.O.,
THIRUVANANTHAPURAM.
99. JAYAKUMAR R.V.,
(EMPLOYEE CODE 2738) VAZHAVILAKATHU VEEDU,
PANANKARA, KODUNGANNOR P.O., THIRUVANANTHAPURAM.
100. JOSH Y C.M.,
(EMPLOYEE CODE 2692) CHERIYAPULLINGAL VEEDU,
PUTHENKADA, THIRUPURAM P.O, THIRUVANANTHAPURAM.
101. ANILKUMAR S.R.,
(EMPLOYEE CODE 2744) AKHIL BHAVAN, KULASEKHARAM,
KODUNGANOR P.O., THIRUVANANTHAPURAM.
102. K.R.SATHEESAN,
(EMPLOYEE CODE 2245) SETHU NIVAS, VRWA-4,
VELLAIKADAVU, KODUNGANOR P.O., THIRUVANANTHAPURAM.
103. ANIL KUMAR P.,
(EMPLOYEE CODE 2668) NAYANA VIHAR, KARINADA,
PIRAYIMMOODU, NEYYATTINKARA P.O., THIRUVANANTHAPURAM.
104. N.V.DAVIS,
(EMPLOYEE CODE 2446) NELLISHERI HOUSE, VENNOOR,
ANNAMANADA P.O, THRISSUR-680 741.
105. ANIKUMAR K.V.,
(EMPLOYEE CODE 2396) RADHA NIVAS, EDATHALA P.O.,
ALUVA, ERNAKULAM DISTRICT-683 561.
106. P.PRASAD,
(EMPLOYEE CODE 2772) CHANDRIKA BHAVAN, MANCHINADU,
PULIYARAKONAM.P.O., THIRUVANANTHAPURAM-695 573.
107. SAJITHKUMAR S.,
(EMPLOYEE CODE 2827) UTHRITTATHI, MUYLADI,
PULIYARAKONAM P.O., THIRUVANANTHAPURAM-695 573.
108. AJITH DAS,
(EMPLOYEE CODE 2820) LEKSHMI NARAYAN SADANAM,
KOLLAMKONAM, VILAPPILSALA P.O.,
THIRUVANANTHAPURAM.
109. SHIBU G.,
(EMPLOYEE CODE 2805) THELLAKATHU VEEDU,
ARUVIKKARAKONAM, AYIROORPARA P.O., POTHENCODE,
THIRUVANANTHAPURAM.

110. TERUMO PENPOL PVT. LTD.
P.B.NO.6105, 1-2, JAWAHAR NAGAR
THIRUVANANTHAPURAM-695 003
REPRESENTED BY ITS CHAIRMAN CUM MANAGING DIRECTOR.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 20-11-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

smv

**K. SURENDRA MOHAN
&
SHAJI P. CHALY, JJ.**

W.A. No.2440 of 2015

Dated this the 20th day of November, 2015

JUDGMENT

Surendra Mohan,J.

The appellants challenge the judgment of the learned Single Judge dated 06.04.2015 in W.P.(C) No.11108 of 2015.

2. Respondents 1 to 109, employees of respondent No.110, had filed the Writ Petition seeking inter alia, a direction to the appellants to permit them to enjoy higher pensionary benefits as per the Employees Pension Scheme by computing pension contributions on the basis of their actual pay in excess of the ceiling limit and transferring contributions computed on the said basis to the Pension Fund. Respondents 1 to 109 are the employees of respondent No.110. They are covered under the provisions of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 and the Employees Pension Scheme, 1995.

3. At the time of promulgation of the Pension Scheme, there was a ceiling limit on the maximum pensionable salary, which was ₹6,500/- per month. Therefore, contributions towards

the Pension fund were payable only on the said amount even in cases where the actual salary drawn by an employee was much higher. The said restriction has subsequently been removed.

4. In the present case, it is admitted that contributions at the rate of 12% of the salary of the employees together with an equal contribution of the employer, have been remitted to the Employees Provident Fund Organisation. However, only contributions computed at the rate of 8.33% of the maximum salary of ₹6,500/- have been remitted to the Employees Pension Fund. The balance amount has been retained by the Employees Provident Fund Organisation. The above action according to respondents 1 to 157 is not authorised by the Statute. The cut off date of 01.12.2004 stipulated for extending the benefits of removal of the ceiling limit on salary was also attacked as arbitrary. The learned Single Judge has found in favour of the respondents 1 to 109 on all the points and has allowed the Writ Petition.

5. Heard. The learned Single Judge has allowed the Writ Petition following the dictum of a Division Bench of this Court in another Writ Appeal. We notice that the issue has been conclusively decided by this Court in judgment dated 05.03.2013

in W.A.No.1137 of 2012, judgment dated 16.10.2014 in W.A.No.1442 of 2014 and judgment dated 07.01.2015 in W.A.No.1956 of 2014. A copy of judgment dated 06.08.2015 in W.A.No.1587 of 2015 has also been placed before us. It is also pointed out that the issue is pending consideration of the Apex Court in S.L.P Nos.16867 of 2013 and 7075 of 2014 besides, other connected cases at the instance of the appellants herein.

6. In view of the binding precedents of this Court on the point, we find no infirmity in the judgment appealed against. We note that the learned Single Judge has taken care to make his orders and directions subject to the decision of the Apex Court in the matter. Therefore, no further directions are necessary to be issued in the said regard also.

In view of the above, this Writ Appeal is dismissed.

Sd/-
K. SURENDRA MOHAN
JUDGE

Sd/-
SHAJI P. CHALY
JUDGE

//true copy//

P.A. To Judge

smv
21.11.2015