

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE SMT. JUSTICE P.VASHA

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

WA.No. 2451 of 2015 IN WP(C).18898/2014

AGAINST THE JUDGMENT IN WP(C) 18898/2014 of HIGH COURT OF KERALA DATED 31-10-2014

APPELLANTS/RESPONDENTS 1 TO 3:

1. UNION OF INDIA, REPRESENTED BY THE SECRETARY TO GOVT. OF INDIA
MINISTRY OF LABOUR & DEPARTMENT OF EMPLOYMENT
NEW DELHI-110 001.
2. THE EMPLOYEES PROVIDENT FUND ORGANISATION
REPRESENTED BY THE CHIEF PROVIDENT COMMISSIONER,
BHAVISHYA NIDHI BHAVAN, 14, BHIKAJI CAMA PALACE, NEW DELHI-110 066.
3. REGIONAL PROVIDENT FUND COMMISSIONER
THE EMPLOYEES PROVIDENT FUND ORGANISATION KALOOR
ERNAKULAM-682 017.

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

RESPONDENTS/PETITIONERS 1 TO 10 & RESPONDENT NO.4:

1. T.G.GOPI, AGED 62 YEARS, S/O. GOVINDAN.TN. LASCAR (RETD)
P.P.O. NO. KR/KCH/00083793 KERALA SHIPPING AT
INLAND NAVIGATION CORPORATION LTD.
ERNAKULAM, RESIDING AT THERIVIPARAMBIL HOUSE
PIZHALA.P.O., ERNAKULAM-682 027
2. K.J.ANTONY, AGED 61 YEARS, S/O. JOSEPH.K.P. LASCAR (RETD)
P.P.O. NO. KR/KCH/00080294
KERALA SHIPPING AT INLAND NAVIGATION CORPORATION LTD.
ERNAKULAM RESIDING AT KANAKKASSERY HOUSE
PIZHALA.P.O., ERNAKULAM-682027.
3. JOSEPH M.S., AGED 59 YEARS, S/O. CYRIAC, ASSISTANT CHARGEMAN (RETD)
P.P.O. NO. KR/KCH/00078298
KERALA SHIPPING AT INLAND NAVIGATION CORPORATION LTD.
ERNAKULAM, RESIDING AT MATHIRAPPALLYHOUSE
MALIPURAM.P.O., ERNAKULAM-682511.
4. MATHEW T.D, AGED 62 YEARS, S/O. DEVASSY.T.K.MECHANIC GR.I.(RETD)
P.P.O. NO. KR/KCH/00081731
KERALA SHIPPING AT INLAND NAVIGATION CORPORATION LTD.
ERNAKULAM RESIDING AT THAINAMVEETIL HOUSE
OACHANTHURUTHU.P.O., ERNAKULAM-682508.

5. K.K.PUSHPAN, AGED 61 YEARS, S/O. KODIYAN, LASCAR (RETD)
P.P.O. NO. KR/KCH/00079862
KERALA SHIPPING AT INLAND NAVIGATION CORPORATION LTD.
ERNAKULAM RESIDING AT KALATHARA HOUSE
EDAVANAKKAD P.O., KOCHI, ERNAKULAM-682502.
6. V.N.RAJENDRA PRASAD, AGED 60 YEARS
S/O. LATE NARAYANAN, BARGE SYRANG(RETD)
P.P.O. NO. KR/KCH/00072209
KERALA SHIPPING AT INLAND NAVIGATION CORPORATION LTD.
ERNAKULAM RESIDING AT VADAKKANEDATH HOUSE
VENNALA.P.O., ALINCHUVADU, ERNAKULAM-28.
7. AK.YAHIYA, AGED 63 YEARS, D/O. A.K. KOCHUMAKKARA, CHECKING INSPECTOR(RETD)
P.P.O. NO. KR/KCH/00059092
KERALA SHIPPING AT INLAND NAVIGATION CORPORATION LTD.
ERNAKULAM RESIDING AT 3/46, NELLUKADAVU, FORKOCHI.
8. A.K.MOHAMMED ALI, AGED 60 YEARS,
S/O. LATE A.A. KUNJIKOMU MASTER, ACCOUNTANT(RETD)
P.P.O. NO. KR/KCH/00070925
KERALA SHIPPING AT INLAND NAVIGATION CORPORATION LTD.
ERNAKULAM RESIDING AT AYYARIL HOUSE
SANTHI NAGAR ROAD, VENNALA.P.O., KOCHI-682 028.
9. N.PAMBUJAKSHAN, AGED 59 YEARS, S/O. N.K. PADMANABHAN, LASCAR (RETD)
P.P.O. NO. KR/KCH/00080216
KERALA SHIPPING AT INLAND NAVIGATION CORPORATION LTD.
ERNAKULAM RESIDING AT NADEEPARAMBU HOUSE
PALLIPURAM.P.O., CHERTHALA, ALAPPUZHA-688 541.
10. C.S.JAGADEESAN, AGED 62 YEARS, S/O. SUBRAMANIAN, BARGE DRIVER(RETD)
P.P.O. NO. KR/KCH/00062593
KERALA SHIPPING AT INLAND NAVIGATION CORPORATION LTD.
ERNAKULAM RESIDING AT CHAMBUSSERIL HOUSE
MALIAMKARA.P.O., ERNAKULAM-683 516.
11. THE KERALA SHIPPING AND INLAND NAVIGATION CORPORATION LTD.
TAGORE ROAD, THOPPUMPADY, KOCHI-KERALA-682 005
REPRESENTED BY ITS MANAGING DIRECTOR.

R BY SMT.C.S.SINDHU KRISHNAH

R BY SRI.SANTHOSH MATHEW,SC,KINCO

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 25-11-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & P.V.ASHA, JJ.

Writ Appeal No.2451 of 2015

Dated this the 25th day of November, 2015

JUDGMENT

Antony Dominic, J.

This appeal is filed by respondents 1 to 3 in W.P.(C)18898/14, who are aggrieved by the judgment of the learned Single Judge disposing of the writ petition. Both sides agree that the issue raised in this appeal is covered by the judgment in W.A.1830/14, which was disposed of, following the earlier judgment in W.A.1442/14 and connected cases.

2. We have gone through the judgment in W.A.1830/14, paragraph 4 onwards of which reads thus:

“4. the learned standing counsel for the Provident Fund Department submits that the issue is now pending consideration before the Apex Court by way of S.L.P.No.16867 of 2013 and connected case, including S.L.P.No.7075 of 2014.

5. It is brought to the notice of this Court that similar writ appeals have already been disposed of, reserving the rights and liberties of the Provident Fund Department to proceed with further steps, subject to the fate of the proceedings now pending before the Apex Court. Copies of the relevant verdicts, viz. Judgment dated 16.10.2014 in W.A.1442 of 2014 and 1419 of 2014 are also placed for consideration of this Court.

6. After hearing, this Court finds that the issue projected in these writ appeals would stand governed by the verdict to be passed by the Apex Court, on the question of law.

This being the position, it is not at all necessary to keep these appeals pending before this Court and both these matters can be disposed of, in terms of the verdicts already passed by this Court, subject to the rider that the appellants would be free to proceed with further steps against the party respondents, based on the law to be asserted by the Apex Court in the matters which are pending consideration.

In the above circumstances, these writ appeals are disposed of, in terms of the verdicts as aforesaid, with liberty to the appellants to proceed with further steps against the concerned respondents, based on the verdict to be passed by the Apex Court in the matters which are stated as pending consideration. Implementation of the verdicts under challenge will be subject to the outcome of the proceedings as above."

In the light of the above and as the issues are thus covered, this writ appeal is also disposed of directing that the parties herein will also be governed by the directions contained in the judgment in WA.1830/14.

SD/-
ANTONY DOMINIC
JUDGE

SD/-
P.V.ASHA
JUDGE