

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE SMT.JUSTICE P.V.ASHA

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

WA.No. 2502 of 2015 IN WP(C).18790/2014

AGAINST THE JUDGMENT IN WP(C) 18790/2014 of HIGH COURT OF KERALA DATED 31-10-2014

APPELLANTS/RESP.1 TO3:

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 FUND COMMISSIONER
BHAVISHYANIDHI BHAVAN, 14, BHIKAJI GAMA PALACE
NEW DELHI-110 666
3. REGIONAL PROVIDENT FUND COMMISSIONER
THE EMPLOYEES PROVIDENT FUND ORGANISATION , KALOOR
ERNAKULAM-682 017

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

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

1. T C BABU, AGED 60 YEARS, S/O CHELLAPPAN, LASCAR (RETD),
P.P. O NO.KR.KCH.0074806
KERALA SHIPPING AT INLAND NAVIGATION CORPORATION LTD
ERNAKULAM, RESIDING AT NEDUMPARAMBIL HOUSE NEELAMPERUR PO
2. MATHEW M.T., AGED 64 YEARS, S/O V. THOMAS, SYRANG (RETD), P.P. O NO
KR.KCH.0079345, KERALA SHIPPING AT INLAND NAVIGATION CORPORATION LTD
ERNAKULAM, RESIDING AT VALIYAKARAYIL HOUSE, THANNERMUKKAM PO
CHERTHALA, ALAPPUZHA
3. MOHANDAS. M.M, AGED 59 YEARS,
S/O CHOWRIYAR, TICM/JUNIOR ASSISTANT (RETD) P.P. O NO
KR/KCH.00780214, KERALA SHIPPING AT INLAND NAVIGATION CORPORATION LTD
ERNAKULAM, RESIDING AT MANNASSERY HOUSE CHERUKARA PO
KUTTANAD, ALAPPUZHA
4. ANTONY GONSALVEZ, AGED 59 YEARS, S/O FRANCIS, BARGE DRIVER(RETD) P.P. O NO
KR/KCH.007927, KERALA SHIPPING AT INLAND NAVIGATION CORPORATION LTD
ERNAKULAM, RESIDING AT PALLIPARAMBIL HOUSE MULAVUKAD PO
ERNAKULAM 682 504
5. PANKAJAKSHAN P.V, AGED 62 YEARS, S/O P.K. VELU, BOAT DRIVER(RETD), P.P. O NO
KR.KCH.00079411, KERALA SHIPPING AT INLAND NAVIGATION CORPORATION LTD
ERNAKULAM RESIDING AT PARACKAL HOUSE, SHANMUGHAPURAM
PACHALAM, ERNAKULAM

6. JOSEPH K.A, AGED 61 YEARS, S/O K.I. ANTONY, BARGE SYRANG (RETD), P.P. O NO
KR/KCH.00079882, KERALA SHIPPING AT INLAND NAVIGATION CORPORATION LTD
ERNAKULAM, RESIDING AT KARAKKATT HOUSE, KANDAKKADAVU
ANTHIKADAVU PO, ERNAKULAM-682 008
7. K.P.RAMESAN, AGED 60 YEARS, S/O PADMANABHAN, BOAT LASCAR (RETD), P.P. O NO
KR/KCH/00076623, KERALA SHIPPING AT INLAND NAVIGATION CORPORATION LTD
ERNAKULAM, RESIDING AT KOCHAMPARAMBU HOUSE PONGA PO
ALAPPUZHA
8. P.L CHACKO, AGED 60 YEARS, S/O LASAR, BARGE SYRANG (RETD), P.P. O NO
KR/KCH/00074804, KERALA SHIPPING AT INLAND NAVIGATION CORPORATION LTD
ERNAKULAM
RESIDING AT PASHNIPARMBIL HOUSE MATTINAKAM
VARAPPUZHA PO
9. TOMY D . SILVA, AGED 60 YEARS, S/O CYRIL D SILVA, ELECTRICAL (RETD), P.P.O NO
KR/KCH/00076319
KERALA SHIPPING AT INLAND NAVIGATION CORPORATION LTD
ERNAKULAM , RESIDING AT KATTATH HOUSE
PUTHUVYPEOACHANTHURUTHU, ERNAKULAM
10. PANKAJAKSHAN K.P, AGED 59 YEARS,
S/O PARAMESWARAN, BOAT MASTER (RETD), P.P.O NO
KR/KCH/00076320, KERALA SHIPPING AT INLAND NAVIGATION CORPORATION LTD
ERNAKULAM , RESIDING AT KALATHARA HOUSE, AROOR PO
ALAPPUZHA
11. THE KERALA SHIPPING AND INLAND NAVIGATION CORPORATION LTD,
TAGORE ROAD, THOPUMPADY, KOCHI
KERALA-682 005, REPRESENTED BY ITS MANAGING DIRECTOR

R1 -R 10 BY ADV.SMT.CS.SINDHU KRISHNAH
R BY SRI.SANTHOSH MATHEW,SC, KINCO

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 17-12-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & P.V.ASHA, JJ.

Writ Appeal No.2502 of 2015

Dated this the 17th day of December, 2015

JUDGMENT

Antony Dominic, J.

This appeal is filed by respondents 1 to 3 in W.P.(C)18790/14 which was filed by respondents 1 to 10, who were the employees of the 11th respondent. The writ petition was disposed of by judgment dated 31.10.2014, following the earlier judgments of this court and direct as follows:

“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.

The extant employees 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. It is aggrieved by this judgment, this appeal is filed. Both sides have brought to our notice that a similar issue which was decided by this court is now pending before the Apex Court in SLP No.16867/13 and 7075/14. Taking note of the pendency of the said SLPs, W.A.1830/14 and other appeals have been disposed of directing as follows:

“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."

Since the issues raised in this appeal are exactly similar to the appeals already disposed of, this appeal is also disposed of directing that the case in hand will also be governed by the directions in the judgment of this court in W.A.1830/14 referred to above.

**ANTONY DOMINIC
JUDGE**

**P.V.ASHA
JUDGE**

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