

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. 11108 of 2015 (K)

PETITIONER(S):

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,
KODUNGANOR 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) KUZHAVILAKATHU 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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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,
KODUNGANOOR P.O., THIRUVANANTHAPURAM.
102. K.R.SATHEESAN,
(EMPLOYEE CODE 2245) SETHU NIVAS, VRWA-4,
VELLAIKADAVU, KODUNGANOOR 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.

WP(C).NO.11108/2015

109. SHIBU G.,
(EMPLOYEE CODE 2805) THELLAKATHU VEEDU,
ARUVIKKARAKONAM, AYIROORPARA P.O., POTHENCODE,
THIRUVANANTHAPURAM.

BY ADVS.SMT.A.K.PREETHA
SRI.ANIL NARAYANAN
SRI.S.SASIKUMAR

RESPONDENT(S):

1. UNION OF INDIA,
REPRESENTED BY THE SECRETARY,
MINISTRY OF LABOUR AND EMPLOYMENT,
GOVERNMENT OF INDIA, SHRAM SAKTHI BHAVAN,
RAFI MARGH, NEW DELHI-110 001.
2. REGIONAL PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANIZATION,
REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM-695 004.
3. TERUMO PENPOL PVT LIMITED,
P.B.NO.6105, I-2, JAWAHAR NAGAR,
THIRUVANANTHAPURAM-695 003,
REPRESENTED BY ITS CHAIRMAN CUM MANAGING DIRECTOR.

R1 BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R2 BY SMT.T.N.GIRIJA, SC,EPF ORGANISATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

sts

WP(C).No. 11108 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1. TRUE COPY OF THE JUDGMENT DATED 4/11/201 IN
 WPC NO. 6643/2007.**

EXT.P2. TRUE COPY OF THE JUDGMENT DATED 5/3/2014 IN WA NO.1137/2012.

EXT.P3. TRUE COPY OF THE JUDGMENT DATED 4/3/2014 IN WPC NO.2059/2014.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.S.TO JUDGE

sts

K. Vinod Chandran, J.

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W.P.(C)No.11108 of 2015

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Dated this the 6th day of April, 2015.

JUDGMENT

1. I have heard the learned counsel appearing for the petitioners, the learned Standing Counsel appearing for the second respondent and the learned Assistant Solicitor General appearing for the 1st respondent.
2. The petitioners in the Writ Petition are the employees of the 3rd respondent. Admittedly, the petitioners are covered under the Employees Provident Funds and Miscellaneous Provisions Act, 1952 and the Employees Pension Scheme, 1995. The petitioners had salary above Rs.6500/- and are stated to have exercised an option under Section 26(6) of the Act. However, the Provident Fund Organization disputes the exercise of joint option by the employer and the employee; and asserts that it has not been done.
3. Be that as it may, it is admitted that the contribution to the Provident

Fund being 12% of the total salary deducted as employees contribution and the 12% paid by the employer, were remitted to the Organization. As per the provisions of the Pension Scheme 8.33% of the contribution from the employer, is to be deducted and credited to the Pension Fund. However, in making such deduction, the Provident Fund Organization limited it to 8.33% of the maximum salary provided, ie., Rs.6500/-. The balance contribution made by the employer for the salary in excess of Rs.6,500/-, was fully retained in the Provident Fund Account itself.

4. The petitioners contend that such a retention was made by the Organization without reference to the statute. The cut-off date prescribed being 01.12.2004 is also against the statutory provisions and does not have any nexus with the object sought to be achieved, is the argument. This Court has by judgment in W.P.(C) Nos. 6643 & 9929 of 2007, dated 04.11.2011, held that the cut-off date prescribed is without jurisdiction and that the Organization could not have

retained the 8.33% of the employer's contribution, proportionate to the salary in excess of Rs.6,500/- in the Provident Fund Account and that it ought to have been credited to the Pension Scheme. The aforesaid judgment of a learned Single Judge was also confirmed in appeal. The amounts, being 8.33% contribution in excess of the earlier prescribed limit of Rs. 6,500/-, in any event, have been retained with the Provident Fund Organization and what would be required to comply, with the judgments of this Court, is only book adjustments.

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. 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.

The writ petition is allowed. No costs.

K. Vinod Chandran, Judge.

sl.