

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 8TH DAY OF MAY 2015/18TH VAISAKHA, 1937

WP(C).No. 13884 of 2015 (I)

PETITIONERS:-:

1. ABHIMANEU A. (EMP CODE 1037)
DY.GENERAL MANAGER
KERALA AGRO MACHINERY CORPORATION LTD., ATHANI
ALUVA - 683 585, PF ACCOUNT NO. KR/3375/1026
PF PENSION A/C NO.KR/3375/1026.
2. NAJEEB M.K. (EMP CODE 1022)
DEPUTY MANAGER
KERALA AGRO MACHINERY CORPORATION LTD., ATHANI
ALUVA - 683 585, PF ACCOUNT NO. KR/3375/1027
PF PENSION A/C NO.KR/3375/1027.
3. BEENA PAUL (EMP CODE 1115)
SUPERINTENDENT
KERALA AGRO MACHINERY CORPORATION LTD., ATHANI
ALUVA - 683 585, PF ACCOUNT NO. KR/3375/985.
PF PENSION A/C NO.KR/3375/985.
4. SALIM M.P. (EMP CODE 1127)
ASSISTANT ENGINEER
KERALA AGRO MACHINERY CORPORATION LTD., ATHANI
ALUVA - 683 585, PF ACCOUNT NO. KR/3375/367
PF PENSION A/C NO.KR/3375/360.
5. KRISHNAN NAIR V.K. (EMP CODE 1135)
ASSISTANT ENGINEER
KERALA AGRO MACHINERY CORPORATION LTD., ATHANI
ALUVA - 683 585, PF ACCOUNT NO. KR/3375/340
PF PENSION A/C NO.KR/3375/340.

BY ADV. SRI.P.N.MOHANAN

RESPONDENTS:-:

1. UNION OF INDIA (UOI)
REPRESENTED BY THE SECRETARY TO GOVT. OF INDIA
MINISTRY OF LABOUR & DEPARTMENT OF EMPLOYMENT
NEW DELHI - 110 001.

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2. REGIONAL PROVIDENT FUND COMMISSIONER
EMPLOYEES PROVIDENT FUND ORGANISATION (EPFO),
BHAVISHANIDHI BHAVAN, PATTOM PALACE
THIRUVANANTHAPURAM, PIN - 695 004.
 3. ASSISTANT PROVIDENT FUND COMMISSIONER,
SUB REGIONAL OFFICE
EMPLOYEES PROVIDENT FUND ORGANISATION (EPFO)
BHAVISHANIDHI BHAVAN, KALOOR, ERNAKULAM.
 4. SUB REGIONAL PROVIDENT FUND COMMISSIONER,
BHAVISHANIDHI BHAVAN, P.B.NO.1806, ERANJIPALAM
KOZHIKODE - 673 006.
 5. KERALA AGRO MACHINERY CORPORATION LTD.(KAMCO)
(GOVERNMENT OF KERALA UNDERTAKING)
REPRESENTED BY MANAGING DIRECTOR, ATHANI
ALUVA - 683 585.
 6. PROVIDENT FUND TRUST,
REPRESENTED BY SECRETARY,
KERALA AGRO MACHINERY CORPORATION LTD.(KAMCO)
EMPLOYEES PROVIDENT FUND, ATHANI, ALUVA - 683 585.
- R1 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R5 & 6 BY SRI.M.GOPIKRISHNAN NAMBIAR
R2-4 BY SMT.T.N.GIRIJA, SC,EPF ORGANISATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PJ

WP(C).No. 13884 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1. A TRUE COPY OF THE JUDGMENT DATED 04.11.2011 IN W.P.(C)
NO.6643/2007.**

**EXHIBIT P2. A TRUE COPY OF THE JUDGMENT DATED 05.03.2013 IN
W.A.NO.1137/2012.**

**EXHIBIT P3. A TRUE COPY OF THE JUDGMENT DATED 20.02.2015 IN W.P.(C)
NO.5446/2015.**

**EXHIBIT P4. A TRUE COPY OF THE JUDGMENT DATED 21.04.2015 IN W.P.(C)
NO.12382/2015.**

RESPONDENT(S)' EXHIBITS

NIL

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.13884 of 2015
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Dated this the 08th day of May, 2015

JUDGMENT

In the light of Ext.P4 judgment, this issue is covered in favour of the petitioners. Accordingly, petitioners are permitted to contribute to the EPS pension scheme based on the actual salary drawn by them in terms of proviso to Cl.11(3) of the Pension Scheme from the date of joining the pension scheme.

The Writ Petition is disposed of. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.

Sbna/11/05/15