

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

WP(C).No. 28548 of 2009 (K)

PETITIONER(S):

1. P.K.GOPALAKRISHNAN,
RETIRED PLANT ENGINEER (CIVIL)
HINDUSTAN NEWSPRINT LTD., NEWSPRINT NAGAR
NOW RESIDING AT PUTHENPURAKKAL, PERUMPILLY
MULAMTHURUTHY, ERNAKULAM DISTRICT.
2. V.J.VARGHESE,
RETIRED MANAGER (MECHANICAL)
HINDUSTAN NEWSPRINT LTD., NEWSPRINT NAGAR
NOW RESIDING AT VALLAYIL HOUSE, T.V.PURAM, VAIKOM
KOTTAYAM DISTRICT.
3. RAJAGOPALAN V.,
RETIRED MANAGER (MECHANICAL)
HINDUSTAN NEWSPRINT LTD., NEWSPRINT NAGAR
NOW RESIDING AT VARSHA (PANNIMATTOM), T.V.PURAM
VAIKOM, KOTTAYAM DISTRICT.
4. P.SANKARANKUTTY,
RETIRED SENIOR PLANT ENGINEER (INSTRUMENTATION)
HINDUSTAN NEWSPRINT LTD., NEWSPRINT NAGAR
NOW RESIDING AT REMA MANDIR, KANJIRAMATTOM P.O.
ERNAKULAM DISTRICT-682315.
5. G.GOVINDANKUTTY,
RETIRED EXECUTIVE PRIVATE SECRETARY
HINDUSTAN NEWSPRINT LTD., NEWSPRINT NAGAR
NOW RESIDING AT LAKSHMI NIVAS, NEAR KATTUNGAL, TEMPLE
PACHALAM, COCHIN-12.

ADDL.P6: RADHA K W/O. RAJAGOPALAN V
VARSHA, TV PURAM P O
VAIKOM KOTTAYAM 686 606
IMPLEADED AS PER ORDER DT 11.10.2013 IN I.A 13931/2010
BY ADVS.SRI.B.GOPAKUMAR
SMT.CHINCY GOPAKUMAR

RESPONDENT(S):

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1. UNION OF INDIA,
REP.BY THE SECRETARY TO THE MINISTRY OF LABOUR
GOVT.OF INDIA, NEW DELHI.
 2. CENTRAL BOARD OF TRUSTEES,
REP.BY THE CENTRAL PROVIDENT COMMISSIONER
2ND AND 3RD FLOOR, BUSINESS PARK OFFICE
25 SHIVAJI MARG, NEW DELHI-110 015.
 3. REGIONAL PROVIDENT FUND COMMISSIONER,
REGIONAL OFFICE, BHAVISHANIDHI BHAVAN, PATTOM
THIRUVANANTHAPURAM-4.
 4. ASST.PROVIDENT FUND COMMISSIONER
(PENSION), SUB REGIONAL OFFICE, BHAVISHANIDHI BHAVAN
KOTTAYAM.
 5. ASST.PROVIDENT FUND COMMISSIONER
(PENSION), SUB REGIONAL OFFICE, BHAVISHANIDHI BHAVAN
KALOOR, ERNAKULAM.
- R,R1 BY ADV. SRI N NAGARESH,ASST.SOLICITOR
R,R2-5 BY ADV. SRI.N.N. SUGUNAPALAN, SC, P.F.
R,R2-5 BY ADV. SMT.T.N.GIRIJA, SC,EPF ORGANISATION

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15-09-2015, ALONG WITH WPC. 34622/2009, WPC. 35640/2009, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

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|---------|---|
| EXT.P1 | : TRUE COPY OF THE PENSION PAYMENT ORDER IN FAVOUR OF THE 1ST PETITIONER |
| EXT.P2 | : TRUE COPY OF THE PENSION PAYMENT ORDER IN FAVOUR OF 2ND PETITIONER |
| EXT.P3 | : TRUE COPY OF THE PENSION PAYMENT ORDER IN FAVOUR OF THE 3RD PETITIONER |
| EXT.P4 | : TRUE COPY OF THE PENSION PAYMENT ORDER IN FAVOUR OF THE 4TH PETITIONER |
| EXT.P5 | : TRUE COPY OF THE PENSION PAYMENT ORDER IN FAVOUR OF THE 5TH PETITIONER |
| EXT.P6 | : TRUE COPY OF THE GRANT OF EMPLOYEES MONTHLY PENSION UNDER THE EMPLOYEES PENSION SCHEME 1995 |
| EXT.P7 | : TRUE COPY OF THE JUDGMENT OF WA1672/2003 DT 6.8.2008 |
| EXT.P8 | : TRUE COPY OF THE PENSION ORDER DT 26.11.97 |
| EXT.P9 | : TRUE COPY OF THE PENSION ORDER DT 11.1.2000 |
| EXT.P10 | : TRUE COPY OF THE PENSION ORDER DT 11.6.2001 |
| EXT.P11 | : TRUE COPY OF THE PENSION ORDER DT 13..11.2001 |
| EXT.P12 | : TRUE COPY OF THE INTERIM ORDER IN WPC 26122/09 DT 16.9.2009 |

RESPONDENTS' ANNEXURES:NIL

//TRUE COPY//

P.A. TO JUDGE

jma

K. VINOD CHANDRAN, J

W.P(C) Nos.28548 of 2009, 34622 of 2009 &
35640 of 2009

Dated this the 15th day of September, 2015

J U D G M E N T

The petitioners in the above writ petitions claim benefits of Ext.P4 judgment which interpreted the provisions under Clause 12(5) of the Employees Pension Scheme , 1995 to find that the aggregate under (a) and (b) subject to the minimum provided thereunder has to be paid to the petitioners. The learned Standing Counsel appearing for the respondent Organization however, would point out that paragraph 12 of the Pension Scheme, 1995 stood amended by GSR 431(E) dated 15.06.2007 substituting sub-paragraph (1) to (7) with retrospective effect from 16.11.1995. In such circumstance, writ petition would stand closed, however, leaving open the remedy of the petitioners to challenge the amended provisions if so advised.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge