

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

WP(C).No. 34174 of 2014 (V)

PETITIONER(S) :

**PRABHAKARAN.N., AGED 74 YEARS,
S/O.KRISHNAN, PAREKKAT HOUSE, THRITHALLOOR P.O.,
680 619, THRISSUR.**

**BY ADVS.SRI.A.JAYASANKAR
SRI.C.V.MANUVILSAN
SRI.MANU GOVIND
SRI.S.SABARINADH**

RESPONDENT(S) :

- 1. THE EMPLOYEES PROVIDENT FUND ORGANIZATION
REPRESENTED BY REGIONAL PROVIDENT FUND COMMISSIONER,
KALOOR, ERNAKULAM-682 017.**
- 2. THE REGIONAL PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANIZATION, KALOOR, KOCHI,
ERNAKULAM-682 017.**

BY ADV. SMT.TN.GIRIJA, S.C

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: A TRUE COPY OF THE BANK PASS BOOK SB NO. 23326 EPF ACCOUNT HELD WITH CANARA BANK, VADANAPPALLY BRANCH FROM 27-05-1999 TO 10-07-2002.

EXHIBIT P2: A TRUE PHOTOCOPY OF THE NEWSPAPER REPORT DATED 18-11-2013 PUBLISHED IN MATHRUBHOOMI DAILY.

EXHIBIT P2(A): TRUE COPY OF THE NEWSPAPER REPORT DATED 11-12-2001 PUBLISHED IN DESHABHIMANI DAILY.

EXHIBIT P3: A TRUE COPY OF THE APPLICATION PREFERRED UNDER RIGHT TO INFORMATION ACT WITH THE 1ST RESPONDENT ON 04-10-2013.

EXHIBIT P4: A TRUE COPY OF THE REPLY PROVIDED BY THE 1ST RESPONDENT DATED 01-11-2013.

EXHIBIT P5: A TRUE COPY OF THE APPEAL PREFERRED BEFORE THE 2ND RESPONDENT DATED 02-12-2013.

EXHIBIT P6: A TRUE COPY OF THE APPLICATION UNDER THE RIGHT TO INFORMATION ACT PREFERRED BY THE PETITIONER WITH THE 1ST RESPONDENT DATED 11-11-2014.

EXHIBIT P7: A TRUE COPY OF REPLY BY THE 1ST RESPONDENT DATED 28-11-2014.

EXHIBIT P8: A TRUE COPY OF THE PENSION PAYMENT ORDER NO.KR/KCH/9204.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.34174 of 2014

Dated this the 21st day of May, 2015.

JUDGMENT

The petitioner, who started receiving pension from 12.6.1998 and who had opted for return of capital and commutation of pension, alleges that the respondents are liable to:

(a) return an excess amount collected every month more than Rs.37/- from June, 1998 to August 2012 with interest and penal interest and damages at the same rates as calculated under the Act for taking money from employers.

(b) stop collecting Rs.184/- as stipulated by paragraph 12A.

(c) return of excess amount of Rs.18,400/- for 100 months collected every month beyond August, 2006 with interest and penal interest and damages at the same rates as calculated under the Act for taking money from employers. The petitioner alleges that he is aggrieved by the illegal and

irregular deductions made by the respondents till date.

2. I have heard the learned counsel for the petitioner and the learned counsel for respondents 1 and 2.

3. The learned counsel for the petitioner invited my attention to the judgment of this Court in W.P.(C) No.1362 of 2013 which considered a similar situation. The learned Single Judge disposed of the writ petition and observed that there are matters which are best left to the Government and the Organisation to decide after looking at the balancing considerations of financial liability and the welfare of the pensioners. It was also observed that the State which came forward with a welfare legislation to provide succour also has the responsibility to ensure dignity of life, at least bordering on reasonable sustenance. Therefore, the aforesaid writ petition was closed making it clear that it would not be proper for this Court to issue positive directions. However, it was observed that the Government can very well consider the grievances projected in the writ petition and examine the financial

viability, if a proper representation is made.

In the light of what has been stated above, this Court is of the view that the writ petition which stands in the same footing, can be closed. Therefore, the writ petition is closed without examining the merits.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.