THE HON'BLE SRI JUSTICE P.NAVEEN RAO

**WRIT PETITION Nos.21196, 21198, 21204,
21206 & 21352 OF 2019**

COMMON ORDER:

Heard learned counsel for the petitioners and learned standing counsel for Employees Provident Fund Organization.

2. Petitioners in all these Writ Petitions are enrolled under the Employees Pension Scheme, 1995 (for short, 'the Scheme'). Initially, the maximum pensionable salary was Rs.5,000/-, but later revised to Rs.6,500/-. The Scheme also enables contribution by the employee over and above Rs.6,500/- and if such contribution is made, the employee is entitled to additional pension. Accordingly, all the petitioners have contributed higher amount over and above Rs.6,500/-. Based on the contributions made, their pension was revised in the year 2018-19 and amounts were also paid. That being so, from July, 2019, reduced pension in some of the cases, though the amounts were paid for the months June and July, later the EPF authorities recovered the said amounts for the months June and July in the form of deducting from bank accounts.

3. In all these Writ Petitions, petitioners challenge the proceedings issued by the EPF authorities keeping the PPO in abeyance on the ground that certain information was not furnished.

4. According to learned counsel for the petitioners, the petitioners were not put on notice before taking such extreme course in stopping the pension payable to them and a right accrued to a retired employee cannot be altered/taken away without following due process.

5. As fairly submitted by learned standing counsel for Employees Provident Fund Organization, no prior notice or opportunity was given to the petitioners and straight away the pension was stopped and excess amount paid was adjusted from their bank accounts and no procedure was followed before undertaking such exercise. He would further submit that the EPF authorities would follow the due procedure before affecting pension payable to the petitioners.

6. Having regard to the said submission, all the Writ Petitions are allowed. The EPF authorities are directed to continue to pay the higher pension as already determined/ paid to the petitioners. If any recovery is already affected, that amount shall immediately be credited to the account of the petitioners. However, it is open to the EPF authorities to take further steps as warranted by law. In the show cause notices, the EPF authorities shall give all the details required to the petitioners so as to enable them to submit their explanations. It is needless to observe that all the petitioners must be put on notice and must be given opportunity to submit their written explanations and on due consideration of the same, appropriate decision shall be made by assigning due reasons in

support of the decision and communicated to the petitioners. Until such decision is made and communicated to the petitioners, the petitioners shall be continued to pay the revised higher pension. Pending miscellaneous petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:26.09.2019
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