

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.21362 of 2019

Date : 27.9.2019

Between:

P Bhoom Reddy S/o Hanuma Reddy Aged about 65
years Branch Manager Retd District Cooperative
Central Bank Sangareddy R/o H No 3564/E
Veerabhadra Colony Rajampet Road Sangareddy 502
001 Sangareddy District

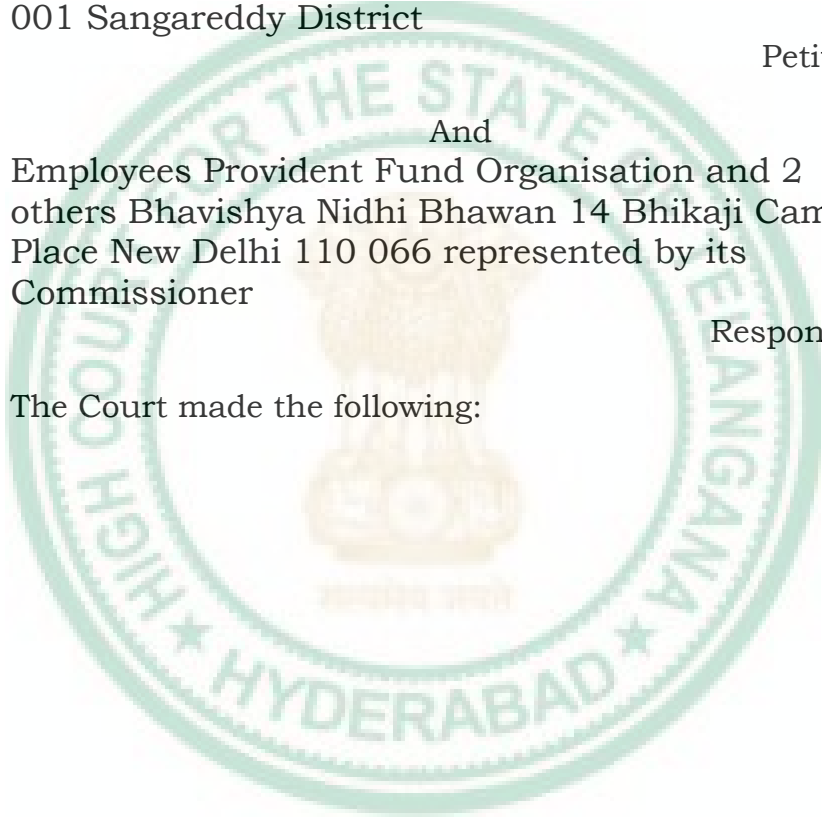
Petitioner

And

Employees Provident Fund Organisation and 2
others Bhavishya Nidhi Bhawan 14 Bhikaji Cama
Place New Delhi 110 066 represented by its
Commissioner

Respondents

The Court made the following:



THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No. 21362 OF 2019****COMMON ORDER:**

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

2. Petitioner in this writ petition was 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, petitioner has contributed higher amount over and above Rs.6,500/-. Based on the contributions made, his pension was revised in the year 2018-19 and amounts were also paid. That being so, by order dated 26.6.019 reduced pension payment order is issued and on 27.6.2019 petitioner was accordingly informed. Consequently, on 4.9.2019 petitioner was directed to remit excess amount paid based on earlier higher pension.

3. In this writ Petition, petitioner is aggrieved by the unilateral decision taken by the EPF authorities in revising the pension payable to him to a lower stage without notice and opportunity and now ordering for recovery of the amount already paid.

4. According to learned counsel for the petitioner, the petitioner was not put on notice before taking such extreme course in stopping/reducing the pension payable to him 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 petitioner and straight away the lower pension was determined and excess amount paid was asked to be refunded 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, the Writ Petition is allowed. The EPF authorities are directed to continue to pay the higher pension as already determined/ paid to the petitioner. No recovery can be effected till a final decision is made. 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 petitioner so as to enable them to submit his explanation. It is needless to observe that the petitioner must be put on notice and must be given opportunity to submit his written explanation 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 petitioner. Until such

decision is made and communicated to the petitioner, the petitioner shall be continued to pay the revised higher pension. Pending miscellaneous petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date: 27.09.2019

Tvk



HONOURABLE SRI JUSTICE P. NAVEEN RAO



WRIT PETITION No.21362 of 2019

Date : 27.9.2019