

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.22993 OF 2019

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both parties.

This writ petition is filed seeking a writ of Mandamus declaring the notices, dated 26.09.2019, issued by the respondents to the petitioners as illegal, arbitrary, unconstitutional, contrary to law, against the provisions of the Employees Provident Fund Act, 1952, against the principles of natural justice and also against the judgment of the Apex Court and to consequently set aside the same.

Learned counsel appearing on either side have contended that the issue raised in this writ petition is squarely covered by the order passed by this Court in W.P.No.15337 of 2019 and batch, dated 24.09.2019, and therefore, the present writ petition can also be disposed of in terms of the said order.

Learned counsel for the petitioners submitted that the petitioners have been granted pension by the competent authority and the respondents have issued the impugned show cause notices on 26.09.2019 as to why the pension of the petitioners should not be altered, and even before issuance of such show cause notices, the respondents have altered the pension of the petitioners by reducing the same, which is contrary to the law laid down by this Court in the above referred order dated 24.09.2019. Therefore, the counsel for the

petitioners contended that appropriate orders be passed in the writ petition directing the respondents not to alter the pensionary benefits of the petitioners and only after submission of explanation by the petitioners to the impugned show cause notices, appropriate orders be passed by the respondents in accordance with law.

Standing Counsel appearing for the respondents had contended that the present writ petition is filed challenging the show cause notices and if the petitioners submit explanation to the impugned show cause notices, appropriate orders would be passed by the respondents in accordance with law. Standing Counsel further informed the Court that the pension reduced prior to issuance of the impugned show cause notices would be restored and all the benefits to which the petitioners are entitled prior to issuance of the impugned show cause notices would be restored. However, taking the explanations submitted by the petitioners, the respondents would pass appropriate orders in accordance with law.

This Court, having considered the above submissions, is of the considered view that this writ petition can be disposed of directing the petitioners to submit their explanation to the impugned show cause notices within a period of two weeks from the date of receipt of a copy of this order. Upon such explanations being received, the respondents shall consider the same and pass appropriate orders in accordance with law in another eight weeks thereafter. It is needless to say that the pension reduced prior to issuance of the impugned

show cause notices would be restored to the petitioners by the respondents.

With the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

22nd October, 2019
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