

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.26263 OF 2019

ORDER:

When the matter is taken up for hearing, learned counsel for the petitioner submits that the issue raised in this writ petition is squarely covered by the common order of this Court in W.P.No.15337 of 2019 and batch dated 24.09.2019 and contends that similar order be passed in the present writ petition also.

Learned Standing counsel appearing for the respondents has not disputed the above said submission of the learned counsel for the petitioner.

This Court, having considered the submissions of both the counsel, is of the considered view that this writ petition can be disposed of in terms of the order dated 24.09.2019 in W.P.No.15337 of 2019 and batch directing the EPF authorities to continue to pay the higher pension as already determined to the petitioner. If any recovery is already affected, that amount shall immediately be credited to the account of the petitioner. However, it is open to the EPF authorities to take further steps as warranted by law. In the show cause notice, EPF authorities shall give all the details to the petitioner so as to enable him 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 communicate to the petitioner. Until such decision is made and communicated to the petitioner, the petitioner shall be continued to pay the revised higher pension.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 27-11-2019

Note:

Office is directed to enclose a copy of the order dated 24.09.2019 in W.P.No.15337 of 2019 and batch to this order
(B/o) dv

