

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 1828 of 2021**

1. Damini Sahu D/o Jeewan Lal Sahu, Aged About 35 Years Working As Senior Social Security Assistant, Posted At Regional Office, Employees' Provident Fund Organisation, Block-D, Scheme - 32, IGV Parisar, Pandari, Raipur, District - Raipur Chhattisgarh.
2. Neha Kaushik D/o Abhishek Kaushik Aged About 37 Years Working As Senior Social Security Assistant, Posted At Regional Office, Employees Provident Fund Organisation, Block - D, Scheme - 32, IGV Parisar, Pandari, Raipur, District - Raipur Chhattisgarh.
3. Sunil Nagwanshi S/o Kamal Das Nagwanshi, Aged About 38 Years Working As Senior Social Security Assistant, Posted At Regional Office, Employees Provident Fund Organisation, Block - D, Scheme - 32, IGV Parisar, Pandari, Raipur, District - Raipur Chhattisgarh.
4. Ratan Tiwari S/o Krishna Kumar Tiwari Aged About 36 Years Working As Senior Social Security Assistant, Posted At Regional Office, Employees Provident Fund Organisation, Block - D, Scheme - 32, IGV Parisar, Pandari, Raipur, District - Raipur Chhattisgarh.
5. Ajit Kumar S/o Binod Kumar Aged About 38 Years Working As Senior Social Security Assistant, Posted At Regional Office, Employees Provident Fund Organisation, Block - D, Scheme - 32, IGV Parisar, Pandari, Raipur, District - Raipur Chhattisgarh.
6. Vivek Gupta S/o Ramlal Gupta Aged About 38 Years Working As Senior Social Security Assistant, Posted At Regional Office, Employees Provident Fund Organisation, Block - D, Scheme - 32, IGV Parisar, Pandari, Raipur, District - Raipur Chhattisgarh.
7. Kulmani Sahu S/o Mohal Lal Sahu Aged About 37 Years Working As Senior Social Security Assistant, Posted At Regional Office, Employees Provident Fund Organisation, Block - D, Scheme - 32, IGV Parisar, Pandari, Raipur, District - Raipur Chhattisgarh.
8. Viplav Sarkar S/o Anil Krishna Sarkar Aged About 33 Years Working As Senior Social Security Assistant, Posted At Regional Office, Employees Provident Fund Organisation, Block - D, Scheme - 32, IGV Parisar, Pandari, Raipur, District - Raipur Chhattisgarh.
9. Dikendra Dewangan S/o Roop Lal Dewangan, Aged About 38 Years Working As Senior Social Security Assistant, Posted At Regional Office, Employees Provident Fund Organisation, Block - D, Scheme - 32, IGV Parisar, Pandari, Raipur, District - Raipur Chhattisgarh.
10. Harihar Guntha S/o Pitambar Guntha Aged About 42 Years Working As Senior Social Security Assistant, Posted At Regional Office, Employees Provident Fund Organisation, Block - D, Scheme - 32, IGV Parisar, Pandari, Raipur, District - Raipur Chhattisgarh.

**---- Petitioners**

**Versus**

1. Union of India Through The Secretary, Ministry of Labour And Employment, Government of India, Shram Sakti Bhawan, Rafi Marg, New Delhi, District : New Delhi, Delhi

2. Central Board of Trustees Through its Chairman, Shram Shakti Bhawan, Rafi Marg, New Delhi
3. Employees Provident Fund Organization Through The Central Provident Fund Commissioner, Bhavishya Nidhi Bhawan, 14, Bhikaji Cama Place, New Delhi - 110066
4. Regional Provident Fund Commissioner, Employees Provident Fund Organisation, Ministry of Labour And Employment, Government of India, Regional Office, Block - D, Scheme - 32, IGV Parisar, Pandari, Raipur, District - Raipur Chhattisgarh.

---- Respondents

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|------------------------------------|--------------------------------------------------------|
| For Petitioners                    | : Mr. Sudeep Agrawal and Mr. Vikas Dubey,<br>Advocates |
| For Respondent No.1/UOI            | : Mr. Ramakant Mishra, Assistant Solicitor<br>General  |
| For Respondents No.2 to 4/<br>EPFO | : Mr. Sunil Pillai and Mr. Sunil Verma,<br>Advocates   |

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**Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**

**Hon'ble Shri Parth Prateem Sahu, Judge**

**Order on Board**

**Per, P. R. Ramachandra Menon, Chief Justice**

**16.03.2021**

1. The Petitioners have moved this Court with the following prayers :

- “10.i. To kindly call for the records of the case from the respondents.
- ii. To kindly declare the Rules 2020 (Annexure P/1) as violative of Article 14 and 16 of the Constitution of India and further direct to the respondents to continue Limited Departmental Examination Quota for 25% posts in the cadre of Enforcement Officer / Account Officer.
- iii. To kindly direct the respondents to filled up the old vacancies under old rules, 2015 by Limited Departmental Examination.
- iv. To kindly make any other order that may be deemed fit and just in the facts and circumstances of the case.

2. When the matter is taken up for consideration, the learned counsel appearing for Respondents No. 2 to 4 / EPFO submits that the writ petition is not maintainable before this Court in view of the fact that the challenge against the rule and the grievance has to be considered at the first instance by the Central Administrative Tribunal. Reliance is sought to be placed on the verdict passed by the Apex Court in ***Rajeev Kumar and Another v. Hemraj Singh Chauhan and Others*** reported in ***(2010) 4 SCC 554***.
3. In the above circumstance, Mr. Sudeep Agrawal, the learned counsel representing the Petitioners seeks for permission of this Court to withdraw the matter without prejudice to the rights and liberties to pursue the matter before the Central Administrative Tribunal, in accordance with law.
4. Permission is granted.
5. The writ petition is dismissed as withdrawn.

Sd/-

**(P.R. Ramachandra Menon)**  
Chief Justice

Sd/-

**(Parth Prateem Sahu)**  
Judge