

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.14963 of 2022

Sabita Dhall

.... **Petitioner**
Mr.S. Mohanty, Advocate

-versus-

**Regional Provident Fund
Commissioner, Bhubaneswar and
others**

.... **Opposite Parties**

Mr. P.C. Das, A.S.C. for O.P. No.3
Mr. P.K. Parhi, ASGI for O.P. Nos.1&2

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.06.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. The Petitioner has filed this writ petition to quash Annexure-6 issued by the Opposite Party No.3-Assistant Provident Fund Commissioner (Pension), Bhubaneswar by which direction has been issued for stoppage of pension on higher wages so far as the Petitioner is concerned.
3. Mr. S. Mohanty, learned counsel for the Petitioner, at the outset, stated that the reason for stoppage of pension on higher wages are based on the judgment of the apex Court in ***R.C. Gupta vs. Regional Provident Commissioner, Employees Provident Fund Organization***, SLP Nos.33032-33033 of 2015, which has been disposed of vide order dated 04.10.2016 under Annexure-4. He has placed reliance on paragraphs-11 and 12 of the said judgment and contended that if the petitioner deposits the required amount, then he

would be brought into the pension scheme. Accordingly, in compliance of the said judgment, the Petitioner has deposited the requisite amounts, which have been acknowledge vide Anneuxre-2 series. Thereafter, pension scheme has been extended to the Petitioner, but all on a sudden, without complying the aforesaid judgment, Opposite Party No.3 by misinterpreting the judgment in ***R.C. Gupta*** (supra) vide Annexure-6 has directed for stoppage of pension on higher wages, which are absolutely illegal, arbitrary and contrary to the provision of law.

4. In the opinion of this Court, the matter requires consideration.

5. Issue notice to the Opposite Parties by Speed Post with A.D., fixing a short returnable date, requisites for which shall be filed within three days.

6. As an interim measure, it is directed that the order passed by the Opposite Party No.3-Assistnat Provident Fund commissioner (Pension), Bhubaneswar in Annexure-6, so far as Petitioner is concerned, shall not be given effect to till the next date of listing.

7. List this matter after two weeks along with W.P.(C) No.32350 of 2020.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge