

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

919 WRIT PETITION NO.3725 OF 2021

DRONAVILLI SIVAIAH
VERSUS
THE REGIONAL PROVIDENT FUND COMMISSIONER AND ANOTHER

Mr.N.D.Sonavane, Advocate for the petitioner.
Mr.N.K.Choudhari, Advocate for respondent No.1.

(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)

DATE : FEBRUARY 8, 2023

PER COURT :

1. The petitioner in this petition has been protected by the order of this Court as regards reduction of his pensionary benefits. Consequentially, the payment of his pension has been in terms of the old calculations.

2. The basic grievance of the petitioner is, that the reduction in his monthly pension, bringing it down to a meager amount of Rs.1,633/-, with retrospective effect from October 2020, is without granting any opportunity of hearing to the petitioner. Based on

such a decision, recoveries have been initiated. We would not go into this controversy today in the light of the subsequent developments pointed out by the learned Advocate for the Provident Fund Department. He submits on the basis of instructions that, certain Circulars have been issued by the Provident Fund Authorities in the light of the communication received from the Additional Central Provident Fund Commissioner (Pension), dated 29/12/2022 and which is followed by a communication dated 25/01/2023, issued by the Regional Provident Fund Commissioner-I (Pension). The learned Advocate submits that the petitioner would be heard by issuing specific notice and only after concluding the hearing, a fresh order would be passed.

3. Considering the above, this petition is disposed off, by continuing the interim protection granted by this Court to the petitioner. The Provident Fund Authorities would issue appropriate notice to the petitioner for affording reasonable opportunity of hearing, to him. The Mobile Number of the petitioner is 9494795559. Taking into account the age of the petitioner, we are

permitting him to be assisted by an Advocate or a Consultant during the hearing before the concerned authorities. The impugned order would remain in abeyance in the light of the continuance of the interim protection and would merge in the final order, that would be passed by the concerned authorities after hearing the petitioner. We expect a reasoned order to be passed. All contentions of the litigating parties are kept open.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

