

Meena

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.28 OF 2020

WITH

MISC.CIVIL APPLICATION NO.509 OF 2023

IN

WRIT PETITION NO.28 OF 2020

ASHOK CHOURASIA

...Petitioner

Son of Late Gourishankar Chourasia

67 years of age, Resident of Plot No.98,
Upasnagar, Zuarinagar- Goa.

VS

1. The Central Board of Trustees, Employees
Provident Fund, Through Central Provident
Fund Commissioner, Having his office at
Bhavishya Nidhi Bhavan, 14, Bhikaji Cama
Road, New Delhi- 110 066.

2. Regional Provident Fund Commissioner,
24, Patto Plaza, Patto – Panaji, Goa.

3. M/s. Goa Shipyard Ltd. A Public Sector
Undertaking Represented through its Company
Secretary, Having his office at Vadem, Vasco da ...Respondents
Gama Goa.

Mr. Arunkumar Nigalye, Advocate for the Petitioner.

Mr. Carlos Alvares Ferreira with Mr. N. Govekar and Mr. S. Kamulkar,
Advocates for the Respondents.

**CORAM: M.S. SONAK &
BHARAT P. DESHPANDE,JJ.**

DATE: 23rd OCTOBER,2023

ORAL JUDGMENT : (Per M.S. Sonak,J)

1. Heard Mr. Arunkumar Nigalye, learned Counsel for the Petitioner and Mr. Carlos Ferreira who appears with Mr. N. Govekar and Mr. S. Kamulkar, learned Counsels for the Respondent nos.1 and 2.
2. On 29/09/2021, we had issued a rule in this petition but granted liberty to the parties to mention this matter no sooner the matter before the Hon'ble Supreme Court in Special Leave Petition (C) Nos. 8658 and 8659/2019 were disposed of.
3. Mr. C.A. Ferreira now submits that both the SLPs have been disposed of by a judgment and order in The Employees Provident Fund Organisation & Etc. v/s. Sunil Kumar B. and Ors reported in (2022) 11 S.C.R. 959.
4. Mr. Ferreira refers to the operative portion of the Hon'ble Supreme Court's judgment and order in paragraph 44 and points out that the employees who had retired prior to 01/09/2014 without exercising any option under paragraph 11(3) of the pre-amendment scheme would not be entitled to any benefit of the Hon'ble Supreme Court judgment and order.
5. Mr. Nigale, learned Counsel for the petitioner admits that the petitioner in this case retired on 31/08/2012 without exercising any option under paragraph 11(3) of the pre-amendment scheme.
6. Accordingly, in terms of the Hon'ble Supreme Court's decision, we would not be in a position to grant any relief to the petitioner. In fact, rule

was issued in this petition to await the outcome of the matter pending before the Hon'ble Supreme Court.

7. Now that the Hon'ble Supreme Court has disposed of the matters and held that employees who retired prior to 01/09/2014 without exercising any option under paragraph 11(3) of the pre-amendment scheme would not be entitled to any benefits of this judgment. We have no option but to dismiss the petition.

8. Accordingly, we dismiss the petition without any order for costs.

9. Misc. Civil Application 509 of 2023 also stands disposed of.

BHARAT P. DESHPANDE,J.

M. S. SONAK, J.