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W.A. Nos.2560 & 2563 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2023

CORAM:

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN
and
THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.A. No.2560 of 2023 & C.M.P. No.21622 of 2023
W.A. No.2563 of 2023 & C.M.P. No.21628 of 2023

1. The Central Provident Fund Commissioner
Employees Provident Fund Organisation
Ministry of Labour & Employment
Government of India
Bhavishya Nidhi Bhavan
14, Bhikaji Cama Place
New Delhi 110 066
2. The Additional Central Provident fund Commissioner
HQ (Pension)
Employees Provident Fund Organisation
Bhavishya Nidhi Bhavan
14, Bhikaji Cama Place
New Delhi 110 066
3. The Regional Provident Fund Commissioner-I (Pension)
Employees Provident Fund Organisation
Bhavishya Nidhi Bhavan
14, Bhikaji Cama Place
New Delhi 110 066
4. The Additional Central Provident Fund Commissioner
Employees Provident Fund Organisation
37, Royapettah High Road
Chennai 600 014



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5. The Regional Provident Fund Commissioner
Employees Provident Fund Organisation
37, Royapettah High Road
Chennai 600 014

Appellants in both appeals

v

1. S. Pitchiah
2. R. Dhanasekaran
3. P.N. Sivadasan
4. D. Mahalingam
5. M. Nirmala Devi
6. C. Ramalingam
7. V. Muthukumaran
8. V.R. Meenakshi
9. S. Subramanian
10. A. Umadevi
11. R. Sampath Kumar
12. N. Sulaika Beevi
13. B. Augustine
14. S.A. Kathija
15. G. Gopalakrishnan
16. V. Dhinakaran
17. C. Munusamy
18. K. Packirisamy
19. S. Viswanathan
20. S. Kamalaveni Sundaram
21. T. Devairakkam
22. P.S. Piramanayagam
23. C. Ilangovan
24. S. Govindarajan
25. J.A. Jothi
26. S. Krishnamurthy
27. K. Ilango
28. C.R. Gopinath
29. K.P. Thangavel
30. S. Leela
31. D. Chandrasekar
32. A. Somasundaram
33. R.P. Chellappan
34. T. Venu
35. G. Subramanian
36. B. Karpaga Sundari



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37. Lakshmi Krishnamurthy
38. R. Bama
39. K. Gurunathan
40. Suriya Kumari Palani
41. B. Prabhakaran
42. P. Vijayalakshmi
43. P. Hemalatha
44. R. Gopalakrishnan
45. R. Mutharasan
46. M. Thiyagarajan
47. N. Palani
48. S. Rajendran
49. S. Muthukumaran
50. A.R. Palaniappan
51. K. Kesavalu
52. K.V. Ponnusamy
53. V. Vidhyavathy
54. M. Ramalingam
55. C. Krishnamoorthy
56. T. Rajendiran
57. M. Sekaran
58. G. Aruchamy
59. A.P. Jayachandran
60. S. Thangamani
61. P. Selwyn Chandra Doss Geoffrey
62. T.R. Surendran
63. M.V. Balasubramanian
64. K.S. Shanmuga Sundaram
65. A. Rangaraju
66. J. Asokan
67. S.V. Yoganathan
68. M. Sundara Murthy
69. R. Pandian
70. A. Elangovan
71. Money Jeyakumar
72. R. Balasubramanyan
73. R. Srinivasan
74. A. Muniyayah
75. K. Srinivasan
76. P. Chandran
77. P.K. Kothandapani
78. M. Shanmugam



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79. S. Vathsala
80. A. Aiyappan
81. A. Chandra Paul Pandian
82. S.H. Syed Ibrahim
83. A. Dhanaraj
84. S. Hemavathy
85. K. Ramiah
86. V. Mahendran
87. N. Thillairaj
88. A. Mohamed Ghouse Shariff
89. R. Gopi
90. S.M. Jainul Abdeen
91. M. Baskaran
92. S. Srinivasan
93. V. Dhanavelu
94. T. Sridharan
95. K. Vijayalakshmi
96. J. Arasu
97. R.Ravichandran
98. S. Boopathy
99. S. Sivakumaran
100. A.M. Muruges
101. M. Selvaraj
102. V. Rajendran
103. A. Venkatachalam
104. R. Quinston Sahayaraj
105. K. Govindan
106. N. Gopalasamy
107. S. Namasivayam
108. M. Suriyamurthy
109. M. Sankaran
110. K.G. Shanmugam
111. V. Thendral
112. R. Gopalakrishnan
113. M. Rajendiran
114. M. Subramanian
115. T.K. Panneer Selvam
116. V. Jayaraj
117. M. Ismail Khan
118. R.A. Mahendira Varman
119. V.K. Govindasamy
120. R. Jothimani

<https://www.mhc.tri.gov.in/judis>



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121. S. Murugesan
122. V. Asokan
123. K. Rajeswari
124. G.K. Amirtha Gowri
125. J. Samson Jayaseelan
126. T. Mani Vasagam
127. N. Ramachandran
128. T.V. Ganesan
129. K. Ganapathy
130. R. Rajendran
131. K. Mohanarangasamy
132. T. Baskaran
133. T.P. Jagannathan
134. V. Purushotham
135. M. Jayakumar
136. K. Rajaram
137. A. Murugesan
138. R. Radhakrishnan
139. A.V.S. Janani
140. V. Thandayuthapani
141. M. Selvaraj
142. B. Mohana Sundaram
143. G. Boobathy
144. B. Rani
145. N. Sukumar
146. K. Manoharan

147. Union of India
represented by Secretary to Government of India
Ministry of Labour & Employment
Shram Shakti Bhawan
Rafi Marg
New Delhi 110 001

148. The Managing Director
The Tamil Nadu State Apex Cooperative Bank Ltd.
233 (New No.4)
NSC Bose Road, Chennai 600 001

149. The Chairman
The TNSC Bank EPF Trust
No.233 (New No.4)



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NSC Bose Road
Chennai 600 001

Respondents in W.A. No.2560/2023

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1. R. Raghupathy
2. S.M. Arurmugam
3. P. Manivel
4. S. Karuppiah
5. R. Ganesan
6. G. Sheshayee
7. K. Ramasamy
8. S. Periyasamy
9. L. Palanivel
10. K. Duraisamy
11. P. Muthusamy
12. C. Annamalai
13. K. Rajendran
14. A. Muthusamy
15. N. Venkatesan
16. N. Jambulingam
17. M. Thangaraj
18. P. Mohanasundaram
19. P. Ravichandran
20. P. Muthusamy
21. S. Veerapandian
22. P. Rajaram
23. S. Ravi
24. D. Udayakumar
25. J. Madhavan
26. V. Subramaniyan
27. P. Muraleetharan

28. Union of India
represented by Secretary to Government of India
Ministry of Labour & Employment
Shram Shakti Bhawan
Rafi Marg
New Delhi 110 001

29. Tamil Nadu Cements Corporation Ltd.
represented by the Chairman & Managing Director
LJA Buildings, II Floor
735 Anna Salai, Chennai 600 002



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30. TANCEM Provident Fund Trust
represented by its Secretary
LLA Buildings, II Floor
735 Anna Salai
Chennai 600 002

Respondents in W.A. No.2563/2023

Writ Appeals filed under Clause 15 of the Letters Patent challenging the orders dated 24.04.2019 and 27.03.2019 passed in W.P. Nos.11967 of 2019 and 6902 of 2019 respectively.

For appellants in Mr. R. Vishnu
both W.As.
For private
respondents in Mr. Abishek Jenasenan
both W.As.

COMMON JUDGMENT

(delivered by S. VAIDYANATHAN, J.)

These writ appeals are directed against the orders dated 24.04.2019 and 27.03.2019 passed in W.P. Nos.11967 of 2019 and 6902 of 2019, respectively.

2 The issue involved in the instant writ appeals has already been considered by this very Bench in **the Regional Provident Fund Commissioner-I (Pension) and 2 others v Food Corporation of India and 4 others**¹. For the sake of ready reference, the said judgment is extracted below:

“This writ appeal is directed against the order dated 27.04.2019 passed by a Single Bench of this Court in W.P. No.33999 of 2017.

2 Today, when this matter was taken up for hearing, Mr. Vishnu, learned Standing Counsel for the appellants/EPFO submitted that



the issue involved in this writ appeal is covered by the order passed by a Coordinate Bench of this Court in **P. Chandrasekaran v Union of India & 4 others**², in which, one of us (SVNJ) was a member, which was rendered following the 3 Judge Bench judgment of the Supreme Court in **The EPFO and another v Sunil Kumar B. and others, etc.**³.

3 However, according to Mr. Vishnu, paragraph 4 of the order passed by this Court in **P. Chandrasekaran, supra**, which reads as under, cannot survive any more, in view of the fact that the time granted by the Supreme Court in **Sunil Kumar B., supra**, had already expired on 11.07.2023:

“4. If the employees could not access the site, they shall take a screenshot and enclose the same with the hard copy to enable the Employees (sic) Provident Fund Organisation to process their option forms.”

The submission made by Mr. Vishnu in paragraph 3, *supra*, is recorded and in view of the submission made by him in paragraph 2, *supra*, this writ appeal also is disposed of on the same terms in which **P.Chandrasekaran, supra**, was disposed of. No costs. Connected C.M.P. is closed.”

In view of the above, these writ appeals also stand disposed of on the same terms on which W.A.No.354 of 2021 was disposed of. Costs made easy. Connected C.M.Ps. are closed.

(S.V.N., J.) (K.R.S., J.)
21.09.2023

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To

- 1 The Secretary to Government of India
Ministry of Labour & Employment
New Delhi 110 001
- 2 The Chairman (CPF Trust)/
Chairman and Managing Director
Food Corporation of India
Head Office, No.16-20, Barakhamba Lane
New Delhi 110 001
- 3 The Executive Director (CPF)
Food Corporation of India
Head Office, 16-20, Barakhamba Lane
New Delhi 110 001
- 4 The Executive Director (South)
Food Corporation of India
South Zone
No.3, Haddows Road
Chennai 600 006



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W.A. Nos.2560 & 2563 of 2023

S. VAIDYANATHAN, J.

and

K. RAJASEKAR, J.

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W.A. Nos.2560 & 2563 of 2023

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