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W.P.No.5424 of 2020 etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2023

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THE HON'BLE **MR.JUSTICE N.ANAND VENKATESH, J.**

W.P.Nos.5424, 5427, 5432, 5434, 5437, 5651, 5653, 5657, 5658, 5660, 5755, 5757, 5761, 5762, 7075, 7076, 7077, 7079, 7081, 7275, 7277, 7278, 7279, 13090, 13100, 13101, 13102, 13105, 13106, 14848, 14849, 14851, 14853, 14855, 14857, 14859, 14865, 14866, 14867, 14869, 14872, 14874, 14875, 15064, 15071, 15072, 15074, 19943, 19947, 19951, 19954, 19955, 19962, 19964, 19965, 19969 of 2020

W.P.No.5424 of 2020

K.Subramani (UAN No.100184563796)

... Petitioner

Vs.

Assistant Provident Fund Commissioner (Pension)
Employees Provident Fund Organization
Regional Office, No.6, S.J.Plaza, Anna Salai
Swarnapuri, Salem 636 004

... Respondent

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for records of impugned letter bearing Ref.No.TN/RO/SLM/Hr. Pension Option/UAN :1001844563796/2019 dated 10.02.2020 issued by the respondent to quash the same and directing the respondent to accept the joint application filed by



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the petitioner and his employer on 21.01.2020 to contribute and avail the benefit of the pension on actual salary basis.

For Petitioner : Mr.P.Thangaraj in all W.Ps.

For Respondent : Mr.K.Ramu in all W.Ps.

COMMON ORDER

The issue involved in all these Writ Petitions are covered by the Judgment of the Apex Court *in Civil Appeal Nos.008143 - 008144 of 2022 (Arising out of the Special Leave Petition (C) Nos.8658-8659 of 2019) In The Employees Provident Fund Organisation and another etc., v. Sunil Kumar B. & Ors. Etc.*), dated 04.11.2022 with other etc. batch. The appeal was disposed of by the Apex Court by issuing several directions. In view of the same, it is left upon to the petitioners to workout their remedy in line with the directions issued by the Apex Court and the same shall be considered by the Provident Fund Department, if the petitioners satisfy the requirements.

2.One of the grievance that was expressed by Mr.Ajoy Khose, the learned counsel appearing for one of the Writ Petitioners is that the joint



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option must be made both by the employer and the employee and the same should be received by the Provident Fund Department. In some cases, the employer is not coming forward to exercise the option on the ground that they have not received any circular from the Provident Fund Department in this regard. In the considered view of this Court, the employer need not wait for any circular from the Provident Fund Department and the law declared by the Apex Court is the law of the land and the employer is bound to exercise the joint option along with the employees and in such an event, the same shall be acted upon by the Provident Fund Department. The Provident Fund Department shall keep in mind the time limit that has been fixed by the Apex Court.

3.All these Writ Petitions are disposed of in the above terms. No costs.

25.01.2023

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Note: Office to issue order copy on 31.01.2023

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N.ANAND VENKATESH, J.

kas / anu

To

Assistant Provident Fund Commissioner (Pension)
Employees Provident Fund Organization
Regional Office, No.6, S.J.Plaza, Anna Salai
Swarnapuri, Salem 636 004

W.P.Nos.5424, 5427, 5432, 5434, 5437, 5651,
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7279, 13090, 13100, 13101, 13102, 13105, 13106,
14848, 14849, 14851, 14853, 14855, 14857, 14859,
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