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W.A. Nos.3681 of 2019 etc. batch of cases

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2023

CORAM:

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

and

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.A. Nos.3681, 3682, 3728, 3745, 4102, 4167, 4166, 4152, 4153, 4164, 4151,  
4158, 4162, 4157, 4256, 4266, 4258, 4259, 4257 of 2019  
and WA.Nos.75, 98, 86, 89, 85, 204, 208, 541, 567,  
603 of 2020 and WA.Nos.611 of 2021

and

C.M.P. Nos.23416, 23417, 23696, 23737, 25618, 25895, 25896, 25867, 25872,  
25887, 25869, 25877, 25878, 25882, 25885, 25875, 25880, 26566, 26569,  
26571, 26570, 26573 of 2019, 1042, 1310, 1213, 1233, 1207, 3108,  
3140, 7818, 8113, 8339 of 2020 and 2710 of 2021

**W.A. No.3681 of 2019**

1. The Central Provident Fund Commissioner  
Employees Provident Fund Organisation  
Head Office, Bhavishya Nidhi Bhawan,  
14, Bhikaji Cama Place  
New Delhi 110 066.
2. The Assistant Provident Fund Commissioner,  
Employees Provident Fund Organisation,  
Regional Office, Wazipur Industrial Area,  
North Delhi 110 052.

...Appellants

vs.

1. Indian Oil Retired Officers Welfare Association (SR),  
Chennai, Reg.No.401/2015,  
Rep. by its General Secretary,  
No.4/2, LIC Colony Extension,  
Dr. Radhakrishnan Nagar,  
Chennai 600 041.



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2. Union of India,  
Represented by the Secretary to Government of India,  
Ministry of Labour and Employment,  
Shram Shakti Bhawan Ragi Marg.,  
New Delhi 110 001.

....Respondents

Writ Appeal filed under Clause 15 of the Letters Patent challenging the order dated 27.03.2019 passed in W.P. No.34331 of 2017.

For appellants : Mr.Kunjithapatam Ramu

For Respondents : Mr.B.Ramamoorthy, for R1

### **COMMON JUDGMENT**

(delivered by S. VAIDYANATHAN, J.)

These writ appeals are directed against the orders dated 27.03.2019, 10.06.2019, 29.04.2019, 24.04.2019, 13.06.2019, 30.08.2019 and 27.06.2019 passed in W.P. Nos.34331 of 2017, 29512 of 2018, 15405 of 2019, 12889 of 2019, 15413 of 2019, 12063 of 2019, 11866 of 2019, 22403 of 2018, 14145 of 2018, 25483 of 2018, 31358 of 2018, 4804 of 2018, 13308 of 2018, 31347 of 2018, 7126 of 2018, 10413 of 2018, 10414 of 2018, 10415 of 2018, 910 of 2018, 2462 of 2018, 20459, 20461 of 2018, 20463 of 2018, 20464 of 2018, 24373 of 2018, 26234 of 2017, 26054 of 2019, 26062 of 2019, 23131 of 2018 and 17993 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**<sup>1</sup>. 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**<sup>2</sup>, 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.**<sup>3</sup>.

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

1 W.A. No.354 of 2021 decided on 21.08.2023

2 <https://www.mhc.tn.gov.in/judis>  
W.P. Nos.20160 of 2019 etc. batch decided on 27.06.2023

3 2022 LiveLaw (SC) 912



W.A. Nos.3681 of 2019 etc. batch of cases

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.)**  
**22.09.2023**

pvs

To

The Secretary to Government of India,  
Union of India,  
Ministry of Labour and Employment,  
Shram Shakti Bhawan Ragi Marg.,  
New Delhi 110 001



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