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W.A. No.3680 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2023

CORAM:

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

W.A. No.3680 of 2019
&
C.M.P. No. 23412 of 2019

- 1 Regional Provident Fund
Commissioner – I (Pension)
Bhavishya Nidhi Bhawan
14, Bhikanji Cama Palace
New Delhi 110 066
- 2 Additional Central Provident Fund
Commissioner-HQ (Pension)
Employees Provident Fund Organisation
Bhavishya Nidhi Bhawan
14 Bhikanji Cama Palace
New Delhi 110 066
- 3 Regional Provident Fund Commissioner-1,
Regional Office, Bhavishyanidhi Bhawan,
Vyomprasth Kanwali GMS Road,
Dehradun.
- 4 Addl. Central Provident Fund Commissioner
(Chennai & Puducherry),
No.37, Royapettah High Road,
Azad Nagar, Chennai – 600 014,
Tamilnadu.

..Appellants

Vs.



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1. ONGC Officers Association (OOA),
represented by its Working President,
9th Floor (west wing), CMDA Towers,
Gandhi Irwin Road,
Egmore, Chennai – 600 008.
2. Union of India, represented by the
Secretary to Government of India,
Ministry of Labour and Department of
Employment,
New Delhi – 110 001.
3. Oil and Natural Gas Corporation Ltd.,
(ONGC), represented by its
Chairman & MD,
ONGC, Pandit Deenadayal Upadhaya
Urja Bhavan,
Nelson Mandela Marg,
Vasant Kunj – 110 070.
4. ONGC Ltd. Employees Contributory
Provident Fund Trust,
represented by its Chairman,
Shed No.21, Tel Bhavan, ONGC,
Dehradun – 248 003.

..Respondents

Writ Appeal filed under Clause 15 of the Letters Patent challenging the order dated 27.03.2019 passed in W.P. No.32879 of 2017.

For appellants :: Mr. Vishnu, Standing Counsel

For Respondents :: M/s. Sarvabhauman Associates for
R1
R2 No appearance
Mr. Vijaya Mahanath for
M/s. AAV Partners for R3 & R4



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(delivered by S. VAIDYANATHAN, J.)

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This writ appeal is directed against the order dated 27.03.2019 passed by a Single Bench of this Court in W.P. No.32879 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**¹, 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.**².

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



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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.

(S.V.N., J.) (K.R.S., J.)
25.09.2023

nv

To

1. Regional Provident Fund
Commissioner – I (Pension)
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2. Additional Central Provident Fund
Commissioner-HQ (Pension)
Employees Provident Fund Organisation
Bhavishya Nidhi Bhawan
14 Bhikanji Cama Palace
New Delhi 110 066
3. Regional Provident Fund Commissioner
Employees Provident Fund Organisation
Employees Provident Fund
Commissioner
No.37, Royapettah High Road
Azad Nagar, Royapettah,
Chennai 600 014, Tamil Nadu.
4. Assistant Provident Fund Commissioner
(EPFO)
Sub Regional Office,
R-40A, TNHB Office Complex,
Mugappair Road, Mugappair (East),
Chennai – 600 037, Tamilnadu.



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5. Secretary to Government of India,
Ministry of Labour and Department of
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(ONGC), represented by its
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S. VAIDYANATHAN, J.

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