



WEB COPY



W.A. No.354 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2023

CORAM:

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

and

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.A. No.354 of 2021 & C.M.P. No.1409 of 2021

- 1 The Regional Provident Fund
Commissioner – I (Pension)
Bhavishya Nidhi Bhawan
14, Bhikaji Cama Place
New Delhi 110 066
- 2 The Additional Central Provident Fund
Commissioner-HQ (Pension)
Employees Provident Fund Organisation
Bhavishya Nidhi Bhawan
14 Bhikaji Cama Place
New Delhi 110 066
- 3 The Regional Provident Fund Commissioner
Employees Provident Fund Organisation
Employees Provident Fund
Commissioner (EPFO)
No.37, Royapettah High Road
Chennai 600 014, Tamil Nadu

Appellants

v

- 1 Food Corporation of India
Retired Employees Welfare Association
Adambakkam (Regd. No.308/2011/TN)
represented by President Mr. P. Balasubramaniam
No.16, III Main Road
Officers Colony
Adambakkam, Chennai 600 088



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2 Union of India
represented by the Secretary to Government of India
Ministry of Labour & Employment
New Delhi 110 001

3 The Chairman (CPF Trust)/
Chairman and Managing Director
Food Corporation of India
Head Office, No.16-20, Barakhamba Lane
New Delhi 110 001

4 The Executive Director (CPF)
Food Corporation of India
Head Office, 16-20, Barakhamba Lane
New Delhi 110 001

5 The Executive Director (South)
Food Corporation of India
South Zone
No.3, Haddows Road
Chennai 600 006

Respondents

Writ Appeal filed under Clause 15 of the Letters Patent challenging the order dated 27.04.2019 passed in W.P. No.33999 of 2017.

For appellants Mr. Vishnu, Standing Counsel

For R1 Mrs. S. Ambika
for Mr. K. Manikandan

JUDGMENT

(delivered by S. VAIDYANATHAN, J.)

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.

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



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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 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.)
21.08.2023

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S. VAIDYANATHAN, J.

and

K. RAJASEKAR, J.

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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
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- 3 The Executive Director (CPF)
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