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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 9571/2023**

SURESH GOPINATHAN

..... Petitioner

Through: Appearance not given

versus

THE REGIONAL PROVIDENT FUND COMMISSIONER, DELHI

(WEST) & ANR.

..... Respondents

Through: Mr. Anshul Saxena, Advocate
(Proxy)

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
13.02.2024

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1. The instant petition under Article 226 of the Constitution of India has been filed on behalf of the petitioner seeking the following reliefs:

“1. To declare that once a member (as in the case of the Petitioner) has preferred a claim under any of the schemes under EPF Act 1952, and thereby put in process a claim for pension or withdrawal, and the claim has not been settled as claimed, neither paragraph 60 (6) nor paragraph 72(6) of the EPFO Scheme 1952 can be invoked by the Respondents to treat any member’s account “Inoperative”.

2. A writ of Mandamus or any other writ deemed fit against the Respondents directing them to immediately release higher actual salary based pension (net of normal pension already released) under Employees Pension Scheme, alongwith arrears from 09/12/2013, alongwith overdue interest thereon at the rate of 12% per annum compounded annually, till the date of



payment.

3. A writ of Mandamus or any other writ deemed fit against the Respondents directing them, after appropriating such sums outstanding in the account of the Petitioner with EPFO from the Petitioner's employers (NHAI) contribution to his account to enable payment of actual salary based higher pension, pay him the balance with upto date interest, at the rate of 12% per annum compounded annually, till the date of payment.

4. Pass any order and/or orders that the honorable Court may deem fit and proper."

2. After some length of arguments, learned counsel for the petitioner, without pressing the matter on merits, seeks an innocuous prayer to file a detailed representation/application along with copy of the instant petition before the respondent no. 1 within one week.

3. Learned counsel appearing on behalf of the respondents has no objection to the innocuous prayer made by the learned counsel for the petitioner.

4. Heard learned counsel for the parties and perused the record.

5. After perusal of the record, contentions made in the petition as well as the innocuous prayer made on behalf of the petitioner and no objection from the respondents, this Court is inclined to allow the innocuous prayer made on behalf of the petitioner.

6. The petitioner is directed to file a detailed representation/application along with the copy of the instant petition as well as the certified copy of this order before the respondent no. 1 within one week. After receiving the detailed representation/application, the respondent no. 1 is directed to dispose of the detailed representation/application after hearing the petitioner and pass a detailed and reasoned order in accordance with law



expeditiously, preferably within six weeks.

7. With the aforesaid directions, the instant petition is disposed of along with pending applications, if any.

CHANDRA DHARI SINGH, J

FEBRUARY 13, 2024
gs/db

[Click here to check corrigendum, if any](#)