

Court No. 10
15.12.2025
Item No.34
b.r.

WPA No. 25717 of 2025

Apollo Ali & Ors.
VS
Union of India & Ors.

Mr. Ashim Kumar Roy
... for the Petitioners

Mr. Aryak Dutt
Mr. Pradip Paul
...for the Union of India.

Mr. Ritwik Pattanayak
.... For the respondent no.5.

Mr. Shiv Chandra Pradad
... for the PF Authority

1. Heard the parties through their respective counsels.

2. The instant writ petition prays for a direction upon respondents not to give any effect to the letter dated 05.02.2025 and also sought for further direction upon the said respondent to process and approve the joint option forms for higher pension in strict compliance with the statutory provision of section 17 and 27A of the Employees Provident Fund and Misc. Provision Act, 1952 including the Hon'ble Supreme Court decision in Employees Provident Fund

Origination and another vs. Sunil Kumar B. and Ors.

3. By an order dated 25.9.2025 passed by the co-ordinate Bench of this Court was pleased to pass an order with an observation that “The pending disposal of the writ application, the pension received by the petitioner herein shall be continued until further orders subject to the final decision of this Court in the Writ Application.”

4. The main issue pertains to quashing of the order of rejection dated 11.02.2025 along with the clarification No. 2 of EPFO Circular dated 18.01.2025.

5. The petitioner submits that already coordinate bench of this Court has delivered a judgment dated 14.11.2025 considering the self same issue involved herein in some other matters which were heard analogously.

6. The decision of the Division Bench of the Madras High Court at Madurai Bench was passed subsequent to the judgment delivered by the co-ordinate bench of this Court therefore, the judgment could not be relied upon at the time of hearing.

7. On the selfsame issue the Division Bench of the Madras High Court at Madurai Bench on 20.11.2025 was pleased to stay the order dated

02.09.2025 passed by the Single Bench of the Madras High Court. The matter is still subjudice and has not attained any finality.

8. It is also submitted that the department has also taken a decision to prefer an appeal before this Court against the judgment dated 14.11.2025 delivered by the Co-ordinate Bench of this Court.

9. In view of the above, since the issues have already been addressed and considered by the coordinate bench of this Hon'ble Court, to avoid prolixity this Court finds that no interference is warranted at this stage and can be disposed of in the light of the judgment dated 14.11.2025 by placing reliance upon the paragraph Nos. namely 189 to 200 of the judgment and order dated 14.11.2025.

10. The writ petition is disposed of.

(SMITA DAS DE, J.)