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Sub Appl.(OS). No. 1202 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

Sub Appln.(OS). No.1202 of 2025

K.J.Mohan Kumar

... Petitioner

Vs

1. Rajeev Kumar,
The PF Commissioner,
Employees Provident Fund,
Regional Office,
No. 37, Opp. Swagat Hotel,
Royapettah High Road,
Chennai - 600 014.

2. Rohit Jawa, CEO,
Hindustan Unilever Limited,
'Ponds House',
No.101, Santhome High Road,
Chennai - 600 028.

... Respondents

Prayer: Sub Application filed under Section 151 of Code of Civil Procedure, 1908 praying to reopen the Contempt Petition No.1568 of 2024 and issue notice to the first respondent and by taking into consideration of the documents filed by the petitioner punish the respondents for contempt under Section 12 of Contempt of Court Act.

For Petitioner : Mr.S.Sridhar

For R1 : Mr.R.Vishnu for R1

For R2 : Mr.Sanjaymohan assisted by
Ms.N.Swathy
for M/s.Ramasubramaniam & Associates



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ORDER

The sub-application is filed to reopen Contempt Petition No. 1568 of 2024.

2. The contention of the learned counsel for the petitioner is that when this Court had earlier recorded the compliance and closed the contempt petition in view of the order dated 29.04.2025, no amount whatsoever has been paid to the petitioner herein. Any compliance should be in letter and spirit and merely passing an order on paper and recording compliance thereafter, the petitioner should not be left high and dry. Therefore, this application is filed to reopen the contempt petition.

3. Heard *Mr.Sanjay Mohan*, the learned counsel appearing for the second respondent management and *Mr.R.Vishnu*, the learned counsel appearing on behalf of the first respondent Provident Fund Commissioner.

4. It can be seen that originally the writ petition in W.P. No.3436 of 2021 was filed for a mandamus directing the first respondent, namely the Employees' Provident Fund Commissioner, to scrutinize the records of the petitioner and to issue the eligible pension amount from 23.10.2010 to the

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petitioner and consequently to direct the second respondent to pay consolidated damages to the petitioner to a sum of Rs.10,00,000/- for the act of negligence. In the said writ petition, the following order was passed:-

“2. Mr.C.Kulanthaivel, learned Senior Panel Counsel for the first respondent would contend that three communications dated 12.11.2020, 08.01.2021 & 12.01.2021 were sent to the writ petitioner directing him to furnish his PPO number as well as PF Account number, in order to examine his representation dated 30.09.2020 and till date those particulars have not been furnished by him. His further contention is that the petitioner has not produced any records to show that he was a member in the PF Account during the period 01.10.1998 to 31.03.2007.

3.Mr.S.Sridhar, learned counsel for the writ petitioner contended that the Writ Petitioner is ready to furnish all those particulars to the second respondent Management.

4.Considering the submissions made by both the counsels, the writ petitioner is directed to furnish all the particulars within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said particulars the respondents 1 & 2 shall pass appropriate orders within a period of four weeks and thereafter, the entire exercise shall be done within a period of six weeks.”

5. Thereafter, complaining disobedience, Contempt Petition No.1568 of 2024 was filed. In the contempt petition, the following order was passed:

“When the matter is taken up for hearing, the learned counsel appearing for the first respondent would contend that as per the communications dated 07.02.2025, the adjudicating authority in the instant case is the Regional Provident Fund Commissioner – I, Regional Office Mumbai (Powai).



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2. *In the circumstances, the Regional Provident Fund Commissioner -I, Regional Office Mumbai (Powai), 341, Bhavishya Nidhi Bhavan, Bandra (East), Mumbai (Powai) 400 051 is directed to consider the representation of the petitioner, dated 30.09.2020 and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.*

3. *With the above direction, this Contempt Petition is closed. No costs. “*

6. After the order in the contempt petition, the first respondent passed an order on 29.04.2025 and in the said order, the following findings are given in paragraph No.10 and the operative portion of the order is extracted hereunder:-

“10. In view of para 6 of EPS scheme regarding membership of EPS scheme and para 6A regarding retention of membership it is observed that, since Sh.K.J.Mohan Kumar was a member of EPS scheme under the EPF & MP Act 1952 prior to joining the establishment M/s.Hindustan Unilever Ltd. (PF code No. MH/BA/917), Sh.K.J.Mohan Kumar cannot be considered as an excluded employee and should have been made a member of EPS scheme by the establishment from the date of joining in the establishment i.e.01.10.1998. Thereby the deposition report of the department representative is considered and it is hereby concluded that Sh.K.J.Mohan Kumar the employee of the establishment should also have been a member of EPS Scheme under the EPF & MP Act, 1952 fro the period 01.10.1998 to 31.03.2007.”

7. Thus, it can be seen that the above order has been passed holding that the petitioner is a member of the EPS scheme and directing payment of benefits. Therefore, it is now the grievance of the petitioner that the pension amount has so far not been paid to him. In this regard, the learned counsel appearing on behalf of the second respondent management submits that the

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petitioner is not eligible for the pension. They have not complied with the order and therefore a show cause notice dated 31.07.2025 has already been issued to them questioning as to why further orders determining the amount due should not be passed and further steps taken to recover the said amount from them. It is stated that the management has submitted its reply and the enquiry is pending.

8. In view thereof, when the enquiry is ongoing with reference to the order that is passed in favour of the petitioner, let notice be issued to the petitioner to participate in the enquiry so that he can also place on record his views in the matter. Let the enquiry can also be completed as expeditiously as possible.

9. With the above observations and in view of the finding that the order passed in the original writ petition as well as in the earlier Contempt Petition No.1568 of 2024 is complied with by passing the order dated 29.04.2025 and since further enquiry proceedings are going on, there is no necessity to reopen the contempt petition once again.



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10. With the above observations, and it is for the first respondent to proceed further with the enquiry by giving opportunity to the petitioner, the Sub-Application stands closed. No costs.

08.12.2025

Neutral Citation: Yes/No
nsl

To

The PF Commissioner,
Employees Provident Fund,
Regional Office,
No. 37, Opp. Swagat Hotel,
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Chennai - 600 014.



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D.BHARATHA CHAKRAVARTHY, J.

ns1

To
State Head Operation,
EMRI GHS, 108 Ambulance Services,
DMS Campus, Back side of Labour Commissioner Office,
Teynampet, Chennai – 600 006.

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08.12.2025