

06.02.2026
Piya
ct no. 30
sl. 28

WPA 969 of 2026

**Santi Ranjan Roy & Anr.
Vs.
Union of India & Ors.**

Mr. Soumya Majumder, Sr. Adv.
Mr. Rati Kanta Pal
.....for the Petitioners

Mr. Anil Kr. Gupta
Mr. Priyankar Ganguly
.....for the Union of India

Mr. Shiv Chandra Prasad
....for the P.F. Authority

1. Affidavit of service filed be kept with the record.
2. Learned counsel for the Union of India submits that this Court does not have the territorial jurisdiction to hear the writ application, on the ground that the impugned orders dated 24.03.2025 have been passed by the authority at Bandra-IV (Powai).
3. Learned counsel for the petitioner submits that the establishment in this case being the respondent no. 4 has its registered office at Maharashtra, but has a local office at Kolkata, West Bengal.
4. **The petitioner by way of supplementary affidavit** states that:-

That both the Petitioners were in service and/or after 1st September, 2014, which is the cutoff date as decided by the Hon'ble Supreme Court of

India in the Employees Provident Fund Organization and another -versus- Sunil Kumar B. and others in SLP(C) Nos. 8658-8659 of 2019, as decided on 4th November, 2022.

*Both the Petitioners retired from service on 15th July, 2020 from the establishment of Respondent No. 4. As would appear from the Pension Payment Order (PPO) enquiry details of the Employees' Provident Fund Organisation, the PPO number along with the Region Code in respect of Petitioner No. 1 is WBLT000094736, and in respect of Petitioner No. 2 is WBCAL0013087. The Petitioners are presently receiving monthly pensions of ₹3,160/- and ₹2,263/- respectively. **It further appears from the records that the Pension Issuing Authority is situated at Kolkata, West Bengal, within the Region Code WBCAL. Accordingly, Kolkata falls within the territorial jurisdiction of this Hon'ble Court.***

Documents in support of the said contention is part of the supplementary affidavit.

5. Relying upon the judgment of Supreme Court in ***Shanti Devi alias Shanti Mishra vs Union of India &Ors., (2020) 10 SCC 766***, it is further stated:-

That Petitioner No. 1 and Petitioner No. 2 were initially appointed on 1st July, 1988 and 29th October, 1997 respectively in Gestetner India Limited, pursuant to letters of appointment issued by the Regional Controller, Calcutta Office. Thereafter, the Petitioners joined the office of Gestetner India Limited situated at Kolkata. The said establishment subsequently merged with Ricoh India Limited and thereafter with Minosha India Limited, under whose management both the Petitioners continued in service, and during the entire period of such employment, provident fund contributions were duly deducted and deposited by the said establishments. It is further stated that the office of the Regional Provident Fund Commissioner Office is also located at Salt Lake, Kolkata.

6. Considering the facts as stated above, this Court has the territorial jurisdiction in the present case. The issue is accordingly decided.
7. **The writ application has been preferred** praying for setting aside of the rejection order of joint option exercised by the petitioners and the respondent no. 4 for higher pension on higher wages dated 24th March, 2025.

8. The petitioners further pray for a direction upon the respondent no. 6 to disburse pension on higher wages and/or accept contribution for higher wages on the basis of the exercise of joint option made by the petitioners along with their employer as per Employees' Pension Scheme, 1995, **on setting aside/quashing the order dated 24.03.2025 passed by the respondent no. 6.**
9. The petitioners relying upon the order passed by this Court in **WPA 15459 of 2025 and Ors.** have prayed for similar relief on the ground that the petitioners herein are similarly placed with the petitioners in WPA 15459 of 2025 and ors.
10. **It appears from the record that the petitioners claim for higher pension and their cause of action in the present case is on the basis of the rejection order dated 24.03.2025.**
11. The petitioners' applications for higher pension has been rejected by an order passed by the respondent no. 6 on **24.03.2025** by referring to Rule 11(b) of the Provident Fund Trust Rules of the Employer/Establishment.
12. The respondent no. 4 establishment enjoys exemption under Section 17(1) of the said PF Act of 1952 from the operation of Employees' Provident Funds Scheme, 1952.

13. It is submitted that all employees of both exempted and unexempted establishments are considered to be the same as far as pension under EPS' 1995 is concerned and EPFO directly deals with pension matters for both classes of establishments. For the purpose of contribution to pension fund, employers only forward the requisite contribution every month to EPFO and they have no further role as employer under the EPS, 1995.

14. The petitioners' state that they are all in service since/after **01.09.2014**, which is the cut off date as decided by the Supreme Court in ***The Employees Provident Fund Organisation & Anr. ETC. vs Sunil Kumar B. & Ors. ETC., in Civil Appeal Nos. of 2022 (arising out of the SLP (C) Nos. 8658-8659 of 2019), decided on November 04, 2022.***

15. Thus considering that the petitioners herein stand on the same footing as the petitioners in WPA 15459 of 2025 and ors., it is directed that the order dated **24.03.2025** passed by the respondent no. 6, **is hereby quashed and set aside.**

16. It is further directed that:-

a) Any joint option application presented on or before 31.01.2025, or before any other further extension of time by the authority considered, if any shall be accepted by the respondents.

b) On remittance of the differential contribution amount to the pension scheme, to the Employees' Provident Fund Organisation, by the employees, along with applicable interest, higher pension shall be disbursed to them from the succeeding month of their remittance.

17. WPA 969 of 2026 is allowed.

18. All connected application, if any, stands disposed of.

19. Interim order, if any, stands vacated.

20. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, expeditiously after complying with all necessary legal formalities.

(Shampa Dutt (Paul), J.)