

30.06.2026
Ct. No. 30
S.L. No. 8
SM

WPA 14196 of 2026
Rajendra Nath Tiwari & Anr.
Versus
The Union of India & Ors.

Mr. Soumya Majumder, sr. adv.

Ms. Sanjukta Dutta

.....for the petitioners

Ms. Aparna Banerjee

.....for the P.F. authorities

Mr. Shiv Chandra Prasad

Ms. Rama Chakraborty

.....for the Union of India

1. Affidavit-of-service filed be kept with the record.

2. The writ application has been preferred challenging the rejection order dated 25.03.2026 by which the joint option exercised by the petitioners have been rejected by the respondent no. 2 herein.

3. It appears from the impugned order dated 25.03.2026 that authority concerned has rejected the petitioner's application by passing an order as follows.

1. On pronouncement of Supreme Court judgment in SLP (C) No. 8658-8659 of 2019 dt 04.11.2022, S/Shri RAJANDRA NATH TIWARI, bearing member ID WBCAL00011380000001171 has submitted Joint Option for Pension on Higher Wages vide application Acc No. 230630170416018027541 online through Employee portal of EPFO as

he/she is entitled to Pension on Higher Wages as per Para 11(4) of the Scheme.

2. The Authorized Signatory on behalf of the establishment M/s. ALBERT DAVID LIMITED (WB/CAL/1138), which is an unexempted establishment has approved the online application of S/Shri RAJANDRA NATH TIWARI.

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4. And whereas the applicant has failed to deposit the amount / give consent for diversion of amount from Provident Fund to Pension Fund within the time frame as mentioned in the demand letter.

*5. Now therefore, the joint option for contributing on higher wage under the pre-amended paragraph 11(3) of the Employees' Pension Scheme 1995 is hereby **rejected**. The matter be intimated to the concerned Applicant accordingly.*

4. It appears that the application has been rejected by the authority concerned as the same has not been filed within the time frame mentioned in the demand letter (before hearing).

5. Considering the observation of this Court in Paragraph 192 in WPA 15459 of 2025 (Anuradha Roy Versus the Union of India & Ors.) this Court in the interest of justice extends the time period for such deposit by the petitioner within the 30 working days

from the date of this order and the respondent no. 2 shall accept the same as directed by this Court.

6. Writ application is accordingly disposed of.

7. Applications, if any, connected thereto stand disposed of consequently.

8. Interim order, if any, stands vacated.

9. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]