06.01.2026
Piya
ct no. 30
sl. 12

WPA 27525 of 2025

Deepak Kumar Chatterjee & Ors.
Vs.
The Union of India & Ors.

Mr. Arka Maiti
Ms. Ambiya Khatun
......for the Petitioners

Mr. Subhankar Chakraborty
Ms. Sayani Gupta
Mr. Atindra Rai
......for the Respondent No. 1

Mr. Supriya Ranjan Saha
Mr. S. Maity
Mr. S. Jain
......for the Respondent No. 4 & 5

Mr. Satyendra Agarwal
Mr. Bijoy Bag
Mr. Goutam Malik
....for the EPFO

1. The writ application has been preferred praying for quashing the impugned letter dated March 19, 2025, and all actions taken pursuant thereto, as being arbitrary, ultra vires, and in violation of statutory provisions, thereby denying the petitioners and other similarly situated persons their rightful pension benefits, in accordance with binding judicial precedents, including the Hon'ble Supreme Court's decision in Employees' Provident Fund Organisation & Anr. vs. Sunil Kumar B & Ors., and to refrain from imposing any arbitrary restrictions on such entitlement.

2. The petitioners further pray for a direction upon the respondent no. 3 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 19.03.2025 passed by the respondent no. 3.**

3. 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.

4. **Mr. Satyendra Agarwal, learned counsel for the respondent/EPFO** submits that the case of the petitioners herein is not similar to the petitioners in WPA 15459 of 2025 and Ors., as the petitioners herein have waived their right to exercise their joint option for higher pension, in view of the fact the petitioners herein have received the amount refunded by the EPFO authorities, which was refunded to the trust fund **after the petitioners joint options forms have been rejected.**

5. It appears from the letters dated 27.03.2025 and 28.03.2025 issued by the APFO that **the act/process of refund is unilateral (by EPFO)** and the petitioners who claim higher pension till date, have not played any role in getting the refund of the deposited amount, as admittedly no such option was given to the petitioners herein for receiving the said amount.

6. **As such the petitioners till date claim for higher pension and their cause of action in the present case is on the basis of the rejection order dated 19.03.2025.**

7. The petitioners' applications for higher pension have been rejected by an order passed by the respondent no. 3 on **19.03.2025** by referring to Rule 11(b) of the Provident Fund Trust Rules of the Employer/Establishment.

8. 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.

9. 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.

10. 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.***

11. 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 **19.03.2025** passed by the respondent no. 3, **is hereby quashed and set aside.**

12. 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.

13. WPA 27525 of 2025 is allowed.

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

15. Interim order, if any, stands vacated.

16. 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.)