

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13794 OF 2025

Pundalik Gopalrao Bhamare & Ors.

...Petitioners

Versus

The EPF Commissioner & Ors.

...Respondents

Mr. Sanjeev B. Deore a/w Mr. Arman Ansari i/by Suchita J. Pawar for the Petitioners.

Ms. Seema Tiwari a/w Mansha Bhatia (Thru VC) for the Respondent No. 1.

Ms. Archana Deshmukh a/w Mr. Aayush Shah i/by Singhania & Co. for the Respondent No. 3.

CORAM : R.I. CHAGLA J
ADVAIT M. SETHNA, J

DATE : 25 March 2026

ORDER :

1. By this Writ Petition, the Petitioners are seeking quashing and setting aside the rejection order dated 1st April 2025 passed by Respondent No. 1 rejecting the claim of the Petitioners for pension on higher wages. Further direction is sought to Respondent Nos. 1 and 2 to determine the basic slab / wages of the Petitioners of the period

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November 1995 to February 1999 and March 2001 to February 2002 for which there is no record by taking into account the Provident Fund cutting / contribution made by the Petitioners during the relevant period as per their existing wages / slab and/or ascertaining the basic slab / wages of the Petitioners by taking into account the records of their PF cutting in order to provide the benefits of the higher pension scheme on higher wages and the recovery of the deficit amount can be transferred from the Petitioners PF account to pension account.

2. There is a Representation, which had been made by the Petitioner on 9th June 2025 (page 37 to the Petition). The Representation of the Petitioner seems to have not been considered by Respondent No. 1 as the impugned order dated 1st April 2025 is prior to the Representation made.

3. The learned Counsel for the Petitioners has tendered a short synopsis on behalf of the Petitioners wherein they have in paragraph 4 given the methodology which may be adopted for grant of pension on higher wages. The short synopsis is taken on record and marked “X” for identification.

4. We direct the Respondent No. 1 to consider the Representation dated 9th June 2025 along with the short synopsis of the Petitioners marked X providing the methodology which may be adopted for ascertaining the pension on higher wages claimed by the Petitioners.

5. We direct the Respondent No. 1 not to reject the application of the Petitioners on the ground that there are no documents available, particularly in the light of Section 6A of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952, as the Respondent No. 1 is enjoined to consider the methodology to be adopted for grant of the Petitioners' pension on higher wages. The aforementioned Representation of the Petitioners shall be considered by Respondent No. 1 within a period of six weeks from the date of this order.

6. In view of this order, the prayers sought for in the Writ Petition has not been pressed by the learned Counsel for the Petitioners.

7. Writ Petition is accordingly disposed of with no order as

to costs.

8. Rights and contentions of the parties are kept open. We have expressed no opinion on the merits of the matter.

[ADVAIT M. SETHNA, J.]

[R.I. CHAGLA J.]