



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.1646 of 2025

EPS 95 National Agitation Committee

vs.

The Union of India, through Secretary, Ministry of Labor & Employment, New Delhi & others

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Mr. Kawish Dange, Advocate for the Petitioner.

Ms. Tanya Gupta h/f Mr. H.N. Verma, Advocate for Respondent Nos.2 to 6.

Mr. S.V. Purohit, Advocate for Respondent No.7.

CORAM : ANIL L. PANSARE & NIVEDITA P. MEHTA, JJ.

DATE : 8th JANUARY, 2026.

01. None appears for the Union of India. On 1st December, 2025, the following order was passed:

“1. None appeared for respondent No.1-Union of India.

2. Shri. Nandesh S. Deshpande the then Deputy Solicitor General of India has been elevated as a Judge of this Court. The Government has, since then, taken no steps to provide his replacement. Resultantly, in many cases, despite service, nobody appears for Union of India.

3. We, accordingly, call upon the Secretary, Ministry of Law and Justice, New Delhi, to take immediate step and apprise us of development within four weeks from today. The copy of the order shall be served upon the Secretary, Ministry of Law and Justice, New Delhi for compliance.

4. So far as present petition is concerned, the preliminary objections taken by respondent Nos.2 to 6 read as under:

‘1] Without prejudice to the submissions on the merits of the matter in dispute, at the outset, the answering respondents are raising preliminary objections as to maintainability of the Petition and with due respect jurisdiction of this Hon'ble Bench of Hon'ble High Court. It is humbly submitted that, the petitioner contends to be a charitable trust working for the welfare of the Pensioners and the members of the Employees Pension Scheme 1995. The Petition is inconspicuous of any material substantiating the said contention of the petitioner. Not

even a single document has been filed on record to show and prove the entity of the Petitioner and its locus-standi to file the present Petition vis a vis the so called subscribers of the Employees Pension Fund under the Employees Pension Fund Scheme 1995 under the Employees Provident Fund Act 1952, alleged to be retired employees of Respondent No.7. It is humbly submitted that, there are thousands of employees of respondent no. 7 who have retired in last so many years. The petition is inconspicuous of any better particulars of the so called retired employees of the respondent no. 7 in respect of whom the present petition has been alleged to have filed. The list of persons whose names are mentioned in Annexure-13 to the petition are as vague as it could be and there is no whisper as to their relationship with the Petitioner as well as Respondent no.7. The petition is also inconspicuous as to how and which legal right of the Petitioner has been infringed, which entitles it to invoke the extraordinary Writ jurisdiction of this Hon'ble High Court under Article 226 and 227 of the Constitution of India. The petition as framed and filed and the relief as prayed being defective in all these respects, cannot be entertained and is liable to be dismissed at the outset.

2] The answering respondent further humbly submits that, perusal of the petition reveals that the Petitioner Association has filed the present petition against the respondents no. 1 to 7 seeking setting aside of the alleged rejection of Pension on Higher Wages of un-named persons including the persons enlisted in Annexure-13. It is humbly submitted that, bare perusal of the array of the Petition reveals that, the Respondent no. 1 and 2 are having their offices at New Delhi and Respondent no. 2 to 7 are having their offices at Mumbai. The alleged cause of action, if at all has ever accrued in rejection of the application for higher wages Pension, was at Mumbai only. Hence, as per the provisions of Bombay Appellate Side Rules, much less, Chapter XXXI Rule 1, the present Petition as framed and filed before this Hon'ble Bench at Nagpur is not maintainable and with due respect, this Hon'ble Court will not have jurisdiction to try and adjudicate upon the present petition. The petition therefore deserves to be dismissed at the outset.

3] The answering respondent further raises objection as the petitioner has amended the petition by amending the prayer clause, whereby the petitioner is seeking quashing of the alleged common order dated 04.02.2025. It is most respectfully submitted that although the said order has been impugned, however, in the entire text of the petition, there is not even a single whisper regarding the alleged

illegality, unsustainability of the said order. In absence thereof, the relief as prayed cannot be granted as the same would mean enlarging the scope of the petition and granting relief, without any pleadings, which is not permissible under the law. The petition is therefore, liable to be rejected, at the outset, even without going into merits of the petition.'

5. *The petitioner shall deal with the objection in writing because the counsel appearing for petitioner, instead of inviting our attention to the document relating to the preliminary objections, has referred to the correspondence made by respondent No.2 with petitioner, which does not pertain to the relevant authority in relation to the present petition.*

6. *List in four weeks."*

02. As could be seen, we have called the Secretary, Ministry of Law and Justice, New Delhi to take immediate steps and apprise us of development regarding the appointment of the Deputy Solicitor General of India to appear before this Court. It appears that either the order has not been served upon respondent No.1 or respondent No.1 has not taken appropriate steps. The Registry shall, therefore, immediately send a copy of the order dated 01/12/2025 to respondent No.1 for compliance.

03. We may note here that no one appeared for respondent No.1, though served through private mode. We may be, accordingly, constrained to issue bailable warrant if no one appears for respondent No.1 on the next date. Copy of the present order shall also be communicated to respondent No.1.

04. List the matter for further consideration on 22nd January, 2026.

(Nivedita P. Mehta, J.)

(Anil L. Pansare, J.)

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