APHC010559142026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3460]**
(Special Original Jurisdiction)

MONDAY, THE 2nd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 31429/2026

Between:

1. JAMPANA VENKATA KRISHNA BANGARA RAJU, S/O. SATYANARAYANA RAJU, AGED ABOUT 68 YEARS, RETIRED ASSOCIATE PROFESSOR, PRESENTLY RESIDING AT D.NO.26-5-47/G2, SRI GAYATRI ENCLAVES, BALUSUMUDI, BHIMAVARAM- 534 202, WEST GODAVARI DISTRICT, ANDHRA PRADESH

...PETITIONER

AND

1. UNION OF INDIA, REP. BY ITS SECRETARY, MINISTRY OF LABOUR AND EMPLOYMENT, NEW DELHI-110001.
2. EMPLOYEES PROVIDENT FUND ORGANISATION, REP. BY ITS CENTRAL PROVIDENT FUND COMMISSIONER, MINISTRY OF LABOUR AND EMPLOYMENT, GOVERNMENT OF INDIA, BHAVISHYA NIDHI BHAWAN, 14, BHIKAIJI CAMA PLACE, NEW DELHI 110066.
3. THE REGIONAL PROVIDENT FUND COMMISSIONER, ZONAL PFO, BHAVISHYANIDHI BHAVAN, KRISHNA NAGAR, 3RD LANE, GUNTUR.522006.
4. THE REGIONAL PROVIDENT FUND COMMISSIONERI, REGIONAL OFFICE AT VL PURAM, MORAMPUDI, RAJAMAHENDRAVARAM, EAST GODAVARI DISTRICT-533103.

5. SAGI RAMA KRISHNAM RAJU ENGINEERING COLLEGE, REP. BY ITS SECRETARY CUM CORRESPONDENT, CHINA AMIRAM, BHIMAVARAM, WEST GODAVARI DISTRICT, ANDHRA PRADESH-534204.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased topleased to issue writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent 4 in issuing the impugned rejection orders ie i the proceedingsorder dated 31012024 bearing No APRORJYPOHWAG1112GRRJY00178030000000105 2024 as arbitrary illegal unconstitutional and violative of Article 14 and the Judgment of Honble Supreme Court in Employees Provident Fund Organisation Anr v Sunil Kumar B Ors dated 04112022 and consequently a direct the respondents to calculate and compute the pension on higher wages by taking into consideration the wages received by the petitioner during the 60 month period preceding his exit from the pension Fund direct the respondents to furnish to the petitioner a detailed monthwise calculation sheet showing the wages taken into account for each of the sixty months preceding the date of exit the pensionable salary arrived at the pensionable service reckoned with due weightage to service prior to 1995 the differential contribution and interest payable if any and to communicate the resultant monthly pension payable along with arrears to the petitioner before fixation c direct the Respondents to process and grant higher pension based on actual higher wages along with arrears with interest in terms of the judgment of the Honble Supreme Court in EPFO Vs Sunil Kumar dt 04112022 and pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to direct the Respondents to re consider the Petitioner Joint Option Form submitted in 2023, in light of para 44(iv) of the Judgement passed by Hon'ble Supreme Court in Employees Provident Fund Organisation & Anr. v. Sunil Kumar B. & Ors., pending disposal of the above writ petition and pass

Counsel for the Petitioner:

1. P VIVEK

Counsel for the Respondent(S):

1. ALA CHANDRASEKHAR YADAV CENTRAL GOVERNMENT COUNSEL

The Court made the following:
WRIT PETITION NO: 31846/2026

Between:

1. GOTTUMUKKALA DURGA RAJU, S/O RAMA KRISHNAM RAJU, AGED ABOUT 65 YEARS, RETIRED AS SENIOR ASSISTANT, PRESENTLY RESIDING AT 4-243, MUNUSUBUGARI VEEDHI, CHINAMIRAM - 534204, W.G.DIST, ANDHRA PRADESH

...PETITIONER

AND

1. UNION OF INDIA, REP. BY ITS SECRETARY, MINISTRY OF LABOUR AND EMPLOYMENT, NEW DELHI-110001.
2. EMPLOYEES PROVIDENT FUND ORGANISATION, REP. BY ITS CENTRAL PROVIDENT FUND COMMISSIONER, MINISTRY OF LABOUR AND EMPLOYMENT, GOVERNMENT OF INDIA, BHAVISHYA NIDHI BHAWAN, 14, BHIKAIJI CAMA PLACE, NEW DELHI - 110066.
3. THE REGIONAL PROVIDENT FUND COMMISSIONER, ZONAL PFO, BHAVISHYANIDHI BHAVAN, KRISHNA NAGAR, 3RD LANE, GUNTUR.522006.
4. THE REGIONAL PROVIDENT FUND COMMISSIONERI, REGIONAL OFFICE AT VL PURAM, MORANNPUDI, RAJAMAHENDRAVARAM, EAST GODAVARI DISTRICT-533103.
5. SAGI RAMA KRISHNAM RAJU ENGINEERING COLLEGE, REP. BY ITS SECRETARY CUM CORRESPONDENT, CHINA AMIRAM, BHIMAVARAM, WEST GODAVARI DISTRICT,

ANDHRA PRADESH-534204.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased toissue writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent 4 in issuing the impugned rejection orders i.e (i) the proceedings/order dated 06.02.2024 bearing No. AP/RO/RJY/POHW/AG-III-2/GRRN00178030000000091/2024 as arbitrary, illegal, unconstitution-al and violative of Article 14 and the Judgment of Hon'ble Supreme Court in Employees Provident Fund Organisation and Anr. v. Sunil Kumar B. and Ors., dated 04.11.2022 and consequently a) direct the respondents to calculate and compute the pension on higher wages by taking into consideration the wages received by the petitioner during the 60 month period preceding his exit from the pension Fund b) direct the respondents to furnish to the petitioner a detailed month-wise calculation sheet showing the wages taken into account for each of the sixty months preceding the date of exit, the pensionable salary arrived at, the pensionable service reckoned with due weightage to service prior to 1995, the differential contribution and interest payable, if any, and to communicate the resultant monthly pension payable along with arrears to the petitioner before fixation c) direct the Respondents to process and grant higher pension based on actual higher wages along with arrears with interest in terms of the judgment of the Hon'ble Supreme Court in EPFO Vs. Sunil Kumar dt. 04.11.2022

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased direct the Respondents to re-consider the Petitioner Joint Option Form submitted in 2023, in light of para 44(iv) of the Judgement passed by Hon'ble Supreme Court in Employees Provident Fund Organisation & Anr. v. Sunil Kumar B. & Ors., pending disposal of the above writ petition

Counsel for the Petitioner:

1. P VIVEK

Counsel for the Respondent(S):

1. ALA CHANDRASEKHAR YADAV CENTRAL GOVERNMENT COUNSEL

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION Nos.31429, 31846 of 2026

C O M M O N O R D E R:

1. These Writ Petitions are filed questioning the impugned Proceedings issued by Respondent No.4 rejecting the applications of the Petitioners for higher pension in the light of Paragraph 44(v) of the Judgment of Hon'ble Supreme Court in ***Employees Provident Fund Organisation & anr Vs Sunil Kumar. B & Ors***[1] and Head Office Instructions, as illegal and arbitrary.

2. Learned counsel for the Petitioners would submit that the issue involved in this Writ Petition is covered by the Common Order, dated 02.11.2026 passed by this Court in W.P.Nos.30012 of 2026 and batch and requested to pass a similar order in these Writ Petitions also.

3. W.P.No.30012 of 2026 and batch is disposed of with the following directions as extracted below:

> *(i) The impugned orders rejecting the claim of the Petitioners for higher pension pursuant to exercise of Joint Option Form are setaside.*
>
> *(ii) The Respondents shall process the Joint Option Form in terms of Paragraph 44(iv) the Judgment of the Hon'ble Supreme Court* ***Employees Provident Fund Organisation & anr v. Sunil Kumar. B & Ors (2022***

[1] 2022 Livelaw (SC) 912

> ***Livelaw (SC) 912)*** *and shall intimate the Petitioners the differential amounts to be paid within a period of two (2) months from the date of receipt of the copy of this order.*
>
> *(iii) No order as to costs.*

4. Sri T. Balaji, learned Standing Counsel for E.P.F.O. does not dispute the same.

5. In view of the same, these Writ Petitions are disposed of in terms of the Common Order, dated 02.11.2026 passed by this Court in W.P.No.30012 of 2026 and batch.

6. There shall be no order as to costs.

7. Registry is directed to attach a copy of the Common Order, dated 02.11.2026 passed by this Court in W.P.No.30012 of 2026 and batch to this order.

8. As a sequel, the miscellaneous petitions if any shall stand dismissed.

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NYAPATHY VIJAY, J

Date: 02.11.2026

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THE HON'BLE SRI JUSTICE NYAPATHY VIJAY

179

WRIT PETITION Nos.31429, 31846 of 2026

Date: 02.11.2026

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