Date of reserved for orders : --
Date of pronouncement : 05.11.2026
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APHC010674992025

IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI

(Special Original Jurisdiction)

THURSDAY, THE 5th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 34955 OF 2025

Between:

1. R SURYANARAYANA RAJU, S/o VijayamramaRaju aged about 64years,Occ Retired Employee, AP Differently abled and senior citizens Assistance Corporation, (APDASCAC) D.No.55-43-7/5,3rd floor. Doctors colony, Seethammadhara, Visakhapatnam.530013.

...PETITIONER

AND

1. THE REGIONAL PROVIDENT FUND COMMISSIONER, Employees Provident Fund Organisation Regional Office, D.No.3-4-763, BhavishyaNidhi Bhavan, Barkapura, Hyderabad.

2. The Assistant Provident Fund Commissioner, Employees Provident Fund Organisation Regional Office, D.No.3-4-763, BhavishyaNidhi Bhavan, Barkapura, Hyderabad.

3. The Regional Employees Provident Fund Commissioner, Employees Provident Fund Organisation BhavishyaNidhi Bhavan, Marripalem, Vuda Layout, Visakhapatnam.

4. The Managing Director, AP Differently abled and senior citizens Assistance Corporation, Raja Narendra Bhavanm Enamalakuduru Road ,Auto Nagar Vijayawada.

...RESPONDENTs

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 to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction declaring the rejection order passed by the Respondent No.2 (Assistant Provident Fund Commissioner) rejecting the petitioner's joint option for higher pension under Para 11(4) of the EPS-95 Scheme, submitted by the Respondent No.4 through online mode with Acknowledgments, as illegal, arbitrary, violative of Articles 14, 21 and 300-A of the Constitution of India, contrary to the binding judgment of the Hon'ble Supreme Court in SLP (C) Nos. 8658-8659 of 2019 (EPFO v. Sunil Kumar B.) and set aside the same, consequently with a direction to the Respondents to forthwith release the Higher Pension in terms of the Hon'ble Supreme Court judgment and EPFO guidelines under Para 11(4) of EPS-95 in terms of the directions of the Hon'ble Supreme Court issued under Article 142 of the Constitution of India and also release the higher pension arrears and interest @ 12 percent per annum from the date on which the pension became due and pass such other orders.

IA NO: 1 OF 2025

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 to suspend the operation of the

impugned rejection order dated 20.03.2025 and to release the higher pension, pending disposal of the writ petition and pass such other orders.

Counsel for the Petitioner: KINTALI DHARMA RAO

Counsel for the Respondents: T BALAJI(SC FOR EPFO)

Counsel for the Respondents: SUDHIR MATTEGUNTA

The Court made the following order:

Whether the order is :

Speaking Yes/No / Reasoned Yes/No
Reportable Yes/No / Non-Reportable Yes/No

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.34955 of 2025

ORDER:

1. The present Writ Petition is filed questioning the action of Respondent No.2 in rejecting the Petitioner's Option Form for enhanced pension in terms of Para 11(4) of the Employees' Pension Scheme, 1995 (EPS-95) and in terms of the Judgement of Hon'ble Supreme Court in **The Employees Provident Fund Organisation & Another v. Sunil Kumar B & Others [2022 LiveLaw (SC) 912]**, as illegal and arbitrary.

2. The Petitioner had retired after rendering service in Andhra Pradesh Differently Abled and Senior Citizens Assistance Corporation (APDASCAC). Thereafter, the Joint Option Form was issued for payment of enhanced pension as prescribed in the EPS-95 in terms of the Judgment of the Hon'ble Supreme Court in **Employees Provident Fund Organisation & Another v. Sunil Kumar B & Others**. Pursuant thereto, the Petitioner and his employer had submitted Joint Option Form and the same was rejected by EPFO-authority i.e., Respondent No.2 vide impugned Proceedings dated 20.03.2025 on the ground that clarifications sought from the employer vide letter dated 22.01.2025 with regard to

mismatch between the details furnished by employer and the details available in field office. Hence, the present Writ Petition is filed.

3. Learned counsel for the Petitioner submits that the notice dated 22.01.2025 was not issued to the Petitioner and if the Petitioner had been informed of the same, necessary particulars sought by the EPFO-authority would have been furnished and seeks for an opportunity to clarify the doubts expressed by the EPFO-authority.

4. Learned Standing Counsel for EPFO, Sri T. Balaji, would submit that if the clarifications as sought by the EPFO-authority vide letter dated 22.01.2025 are furnished, the EPFO shall examine same and necessary action will be taken.

5. Considering the submissions, the Writ Petition is disposed of, with the following directions;

i) The impugned order passed by Respondent No.2 is hereby set-aside;

ii) The Petitioner along with the employer shall furnish clarifications to the EPFO-authority as specified in the letter dated 22.01.2025;

iii) Therefore, the EPFO-authority shall take further action in terms of the Judgment of Hon'ble Supreme Court in **Employees Provident Fund Organisation & Another v. Sunil Kumar B & Others.**

iv) No order as to costs.

As a sequel, pending applications, if any, shall stand closed.

NYAPATHY VIJAY, J

Date: 05.11.2026

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THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.34955 of 2025

Date: 05.11.2026

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