



WEB COPY

WMP No. 6358 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HON'BLE Dr.JUSTICE G. JAYACHANDRAN

and

THE HON'BLE MR.JUSTICE SHAMIM AHMED

WMP No. 6358 of 2026

in

WP NO. 1713 OF 2019

and

W.P.No.1713 of 2019

1. P.Sethu Madhavan
2. R.BalaSubramanian
3. M.Surendranath
4. R.Manivarma
5. V.Srinivasan
6. G.Vasudevan,
7. Mohammad Alam
8. Seema Mathur
9. P.Veluchamy
- 10.A.Mahendran
- 11.T.Sivarasu
- 12.Rakesh Jain
13. Baskaran.S



14.Nimesh Hargovind Verma

..Petitioner(s)

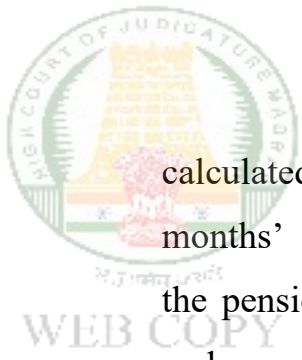
Vs.

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1. Union of India,
Represented by The Secretary,
Ministry of Labour and Employment,
Department of Employment,
New Delhi – 110 001.
2. The Employees' Provident Fund Organisation,
Represented by
The Chief Provident Commissioner,
Bhavishya Nidhi Bhavan,
14, Bhikaji Cama Palace, New Delhi – 110 066.
3. Regional Provident Fund Commissioner,
The Employees Provident Fund Organisation,
Chennai
4. Ashok Leyland Limited,
1, Sardar Patel Road, Guindy,
Chennai - 600032,
Rep. by its Managing Director

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records on the file of the respondents relating to issuance of Notification bearing No.GSR 609(E), dated 22.08.2014 and quash the above Notification implementing Employees' Pension (Amendment) Scheme, 2014 to the extent to which the same is applicable to the petitioners as ultra-vires the Constitution of India, Sections 6 A, 6 D, 7 and other relevant provisions of Employees Provident Fund and Miscellaneous Provisions Act, 1952 and direct the respondents 2 and 3 to retain the petitioners in Employees' Pension Scheme, 1995 and confer to them all the pensionary benefits under the Employees' Pension Scheme, 1995,



calculated by fixing their pensionable salary on the basis of average of 12 months' salary immediately prior to their retirement/exit from membership of the pension fund, as it was prior to the implementation of above Notification and permitting the petitioners to remit back the differential amount of 8.33% share of the employers' contribution proportionate to the actual salary of the petitioners in excess of Rs.6,500/- to the respective employee's pension scheme account of the petitioners from the date of commencement of the Scheme 1995 or from the date the salary of the petitioners exceeded Rs.6,500/-, whichever is later and complete necessary steps in that regard for enhancing and revising the respective monthly pension of the petitioners within a time frame to be stipulated by this Court.

For Petitioner(s):	M/s.R.Sanjith C.S.Sindhu Krishnah V.Revathy
For Respondent(s):	M/s.N.K.Nithila Vani, CGSC for R-1 Mr.K.Venkatesan for RR-2 and 3 No appearance for R-4

ORDER

(Order of the Court was made by Dr.G.Jayachandran J.)

The present Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus calling for the records on the file of the respondents relating to issuance of Notification bearing No.GSR.609(E), dated 22.08.2014 and quash the above Notification implementing Employees' Pension (Amendment) Scheme, 2014 to the extent to which the same is applicable to the petitioners as



ultra-vires the Constitution of India, Sections 6 A, 6 D, 7 and other relevant provisions of Employees Provident Fund and Miscellaneous Provisions Act, 1952 and direct the respondents 2 and 3 to retain the petitioners in Employees' Pension Scheme, 1995 and confer to them all the pensionary benefits under the Employees' Pension Scheme, 1995, calculated by fixing their pensionable salary on the basis of average of 12 months' salary immediately prior to their retirement/exit from membership of the pension fund, as it was prior to the implementation of above Notification and permitting the petitioners to remit back the differential amount of 8.33% share of the employers' contribution proportionate to the actual salary of the petitioners in excess of Rs.6,500/- to the respective employee's pension scheme account of the petitioners from the date of commencement of the Scheme 1995 or from the date the salary of the petitioners exceeded Rs.6,500/-, whichever is later and complete necessary steps in that regard for enhancing and revising the respective monthly pension of the petitioners within a time frame to be stipulated by this Court.

2. When the Writ Petition is taken up for consideration, there was no representation on 05.02.2026 and hence, this Court was constrained to dismiss the Writ Petition for default and now, W.M.P. No.6358 of 2026 is filed to set aside the order dated 05.02.2026 in dismissing the Writ Petition for non-prosecution, and the same is hereby allowed and the present Writ Petition is now taken up for hearing on the merits of the matter.



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3. Learned counsel appearing for the writ petitioners submitted that the issue challenging the amendment to the Employees' Pension Scheme, 2014, had reached finality on 04.11.2022. Therefore, the decision of the Honourable Supreme Court in the case of The Employees' Provident Fund Organisation and others Vs. Sunil Kumar.B and others, reported in MANU/SC/1442/2022, is applicable to the case of the petitioners herein and the learned counsel prayed to dispose of the present Writ Petition in terms of the findings rendered by the Honourable Supreme Court in the said case.

4. In view of the above submission of the learned counsel appearing for the petitioners, the present Writ Petition is disposed of, in terms of the dictum laid down by the Honourable Supreme Court in the said case of Sunil Kumar. There shall be no order as to costs.

(G.J.,J.) (S.S.A.,J.)
26-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
cs

To

1. Union of India,
Represented. by The Secretary, Ministry of Labour and Employment,
Department of Employment,



New Delhi – 110001

2. The Employees Provident Fund Organisation,
Represented by

The Chief Provident Commissioner,
Bhavishya Nidhi Bhavan,
14, Bhikaji Cama Palace, New Delhi – 110 066.

3. Regional Provident Fund Commissioner,
The Employees Provident Fund Organisation, Chennai



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**Dr.G.JAYACHANDRAN, J.
AND
SHAMIM AHMED, J.**

CS

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