

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

Wednesday, the 1st day of March 2023 / 10th Phalguna, 1944
WP(C) NO. 4958 OF 2023 (T)

PETITIONERS:

1. BALAGANGADHARAN K.N, AGED 69 YEARS, 50/531, ANUREMYA, GANGA NAGAR, MANIMALA ROAD EDAPPALLY - 682024 P.P.O.NO.KR/KCH/00115881
2. BILLY BRIDGET C.A ,AGED 69 YEARS, LOVEDALE, MATHIRAPPILLIL, EDAYAKUNNAM, SOUTH CHITTOOR, KOCHI - 682027
P.P.O.NO.KR/KCH/00116248
3. THULASIDAS T.G, AGED 70 YEARS, THACHEETH, ELOOR SOUTH, UDYOGAMANDAL - 683501 P.P.O.NO.KR/KCH/00115510
4. RADHAKRISHNAN G, AGED 69 YEARS, KRISHNENDU, ARA 169, ALFIA NAGAR, CUSAT ROAD, CUSAT P.O , KOCHI - 682022 P.P.O.NO.KR/KCH/00115521
5. PRABHAKARAN C, AGED 69 YEARS, CHIRAPPURATH, KUNJATTUKARA, EDATHALA P.O, ALUVA, ERNAKULAM - 683501 P.P.O.NO.KR/KCH/00115511
6. DINESH G.P, AGED 68 YEARS, SOPANAM, KOTTUVALLY, KAITHARAM P.O, ERNAKULAM - 683519 P.P.O.NO.KR/KCH/00115512
7. RAMASUBRAMANIA IYER K K, AGED 76 YEARS RAM NIVAS, OPP. GOVT. VH.S.S, MUTHUVATTOR, CHAVAKAD P.O, PIN-680506 P.P.O.NO.KR/KCH/00113612
8. MOHANDAS P.K, AGED 70 YEARS HOUSE NO 54/576 (37/1727), PUTHUSSERY HOUSE, KUMARANASHAN ROAD, KADAVANTHRA P.O, ERNAKULAM - 682020
P.P.O.NO.KR/KCH/00115518
9. SASIDHARAN ACHARI M.N, AGED 73 YEARS USHUS, 16/299, PALLANANGADI, PULIKKEN MARKET, THRISSUR - 680005 P.P.O.NO.KR/KCH/00113365
10. NARAYANAN K.K, AGED 71 YEARS HOUSE NO. 34/923A, AATHIRA, VALIYAPADAM ROAD, EDAPALLY, ERNAKULAM - 682024 P.P.O.NO.KR/KCH/00115523
11. CHEIYAN MATHEW ,AGED 71 YEARS, KURISUNKAL (H) BEHIND WARE HOUSE, CHOONDY ALUVA, ERNAKULAM - 683112 P.P.O.NO.KR/KCH/00115620
12. JACOB CHACKO V ,AGED 68 YEARS, VALIYAKALAYIL, KD PLOT P.O, KALAMASSERY, ERNAKULAM - 683104 P.P.O.NO.KR/KCH/00115622
13. NARAYANAN P, AGED 74 YEARS, VYSHNAVAM, RECCAA ENCLAVE, PADAMUGHAL, KAKKANAD WEST P.O, ERNAKULAM - 682030 P.P.O.NO.KR/KCH/00113648
14. SOBHANALAKSHMY T.K, AGED 71 YEARS, 40, SANTHI NAGAR, SOUTH KALAMASSERY, RAJAGIRI P.O, ERNAKULAM -683104
P.P.O.NO.KR/KCH/00116147
15. JOHN C.V ,AGED 76 YEARS, CHULLIKKATTU HOUSE, KOTTUVALLY, KAITHARAM P.O, N.PARAVOOR - 683519 P.P.O.NO.KR/KCH/00114420
16. JOSEPH M.J, AGED 67 YEARS, ARA-164, ALFIA NAGAR, CUSAT P.O, SOUTH KALAMASSERY, ERNAKULAM - 682022 P.P.O.NO.KR/KCH/00116270
17. MUHAMAD K.A, AGED 72 YEARS, KANNACHANKUDY, GREEN GARDENS, MANIMALA ROAD, EDAPALLY - 682024 P.P.O.NO.KR/KCH/00115959
18. RAVEENDRANATHAN .K ,AGED 70 YEARS, SAIPRABHA, PERANDOOR, ELAMAKKARA P.O, KOCHI - 682026 P.P.O.NO.KR/KCH/00116250
19. KUTTAPPAN A, AGED 73 YEARS, KATTUTHARA HOUSE, VALAMANGALAM SOUTH, THURAVOOR P.O, CHERTHALA PIN - 688532 P.P.O.NO.KR/KCH/00113715
20. ATLEE P.K ,AGED 73 YEARS, AMRITHANJALI, MRRA-47-A, MANNAM ROAD, KUNNUPURAM, EDAPALLY NORTH P.O, ERNAKULAM - 682024

P.P.O.NO.KR/KCH/00115343

21. KURIAKOSE T.C ,AGED 72 YEARS, THURUTHUMMEL, PUKKATTUPADY, EDATHALA P.O, ERNAKULAM - 683561 P.P.O.NO.KR/KCH/00115463
22. SREEDEVI .P, AGED 70 YEARS, AMRUTHA, ARA-119, ALFIA NAGAR, CUSAT P.O, KALAMASSERY, PIN- 682022 P.P.O.NO.KR/KCH/00115538
23. BALAN K.V, AGED 72 YEARS, PAVIZHAM, KALAPPURAKKAL HOUSE, PERINJANAM P.O THRISUR - 680686 P.P.O.NO.KR/KCH/00115712
24. RAMACHANDRAN .V, AGED 70 YEARS, MANGALA TPRRA NO. 9, THAMBURATTY PARAMBU ROAD, EDAPALLY P.O, KOCHI – 682024 P.P.O.NO.KR/KCH/00115621
25. VIJAYADHARAN .V,AGED 68 YEARS, ARA-171, ALFIA NAGAR, CUSAT P.O, SOUTH KALAMSSERY, ERNAKULAM – 682022 P.P.O.NO.KR/KCH/00113385.
26. BALACHANDRAN P.H,AGED 72 YEARS, WHITE HOUSE, SREEKARA MADOM, VAZHIKKADAVU, MALAPPURAM, PIN – 679333 P.P.O.NO.KR/KKD/00071583.
27. BEENA.K.R,AGED 64 YEARS, NARAYANAN KULANGARA, THATHAMPALLY P.O, ALAPPUZHA 688013, P.P.O.NO.KR/KCH/00114327.

RESPONDENTS:

1. UNION OF INDIA (UOI), REPRESENTED BY THE SECRETARY TO GOVT. OF INDIA, MINISTRY OF LABOUR & DEPARTMENT OF EMPLOYMENT, NEW DELHI – 110 001.
2. REGIONAL PROVIDENT FUND COMMISSIONER, SUB REGIONAL OFFICE, EMPLOYEES PROVIDENT FUND ORGANISATION (EPFO), BHAVISHANIDHI BHAVAN, KALOOR, ERNAKULAM – 682 017.
3. REGIONAL PROVIDENT FUND COMMISSIONER-1 (PENSION), EPFO HEAD OFFICE, MINISTRY OF LABOUR AND EMPLOYMENT, GOVERNMENT OF INDIA, BHAVISHYA NITHI BHAVAN, 14- BHIKAJI CAMA PALACE, NEW DELHI - 110066
4. TRAVANCORE COCHIN CHEMICALS LTD., REPRESENTED BY THE MANAGING DIRECTOR, P.O.UDYOGAMANDAL – 683 501, ERNAKULAM DISTRICT.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to issue a direction to the second respondent to disburse monthly pension from January, 2023 (due as on 31st January) onwards regularly every month, pending disposal of the Writ Petition.

This petition again coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and this court's order dated 17.02.2023 and upon hearing the arguments of M/S P.N.MOHANAN, C.P.SABARI, AMRUTHA SURESH, GILROY ROZARIO, Advocates for the petitioners, SRI.S.GOPAKUMAR M. NAIR (SENIOR Counsel) for EPF and of SRI.S.PRASANTH Advocate for R2 & R3 , the court passed the following:

RAJA VIJAYARAGHAVAN V, J.

**W.P.(C). No.4958, 5300, 5442,5460, 5473,
5503,5510,5513,5790,5876,5987,6178,
6206,6260,6292,6499,6502,6681,6703,6710,6723,6725,6731 &
6740 of 2023**

Dated this the 1st day of March, 2023

ORDER

Petitioners herein are persons covered under the provisions of the Employees Provident Fund and Miscellaneous Provisions Act, 1952. These writ petitions are filed complaining that the respondents, by misconstruing the judgment rendered by the Apex Court in **EPF Organisation and Another v. Sunil Kumar B and Others** (2022 SCC Online SC 1521), are discontinuing/curtailing/reducing the pension that was being received by the petitioners and that too without hearing them.

2. The Standing Counsel appearing for the EPF had sought time for getting instructions, and all the matters were posted today for considering the grant of the interim order.

3. I find that the Regional Provident Fund Commissioner, with the approval of the Central Provident Fund Commissioner, has issued a directive

vide No.Pension/2022/55893/15785 dated 25.01.2023, the operative portion of which reads as under:

'8. Utmost care should be taken to identify such cases where higher pension was granted on account of judgment of any Court. In such cases, a favourable order shall be obtained from the concerned Court citing the order of Hon'ble Supreme Court dated 04.11.2022 before going ahead with stopping/restoration of pension to wages up to ceiling of Rs.5000 or Rs.6500/-.'

4. I also find that in the counter affidavit filed on behalf of respondents 2 and 3 in W.P.(C).No.4958/2023, it is stated that the pension in respect of the petitioners therein was stopped inadvertently due to some technical glitches and when the same was brought to the notice of the respondents the pension in respect of the petitioners therein were immediately released.

5. Having considered the grievance of the petitioners and taking note of their submission that the pension received by them was being stopped/reduced abruptly, this Court had directed the respondents not to precipitate the issue until the issue is taken up and heard today.

6. When the matter is taken up for consideration, Sri.N.N Sugunapalan, and Sri.S.Gopakumaran Nair, the learned senior counsel

appearing for the EPF Organisation, submitted that they require further time to respond to the contentions raised by the petitioners in these writ petitions.

7. The learned counsel appearing for the petitioners urges that despite the directions issued by this Court, not to precipitate the issues until the request for interim relief sought by the petitioners is taken up and considered, the respondents have curtailed/reduced/stopped the pension that was hitherto being received. It is submitted that there is absolutely no justification on the part of the respondents in initiating such action.

Having considered the submissions, as the matter is being adjourned at the request of the respondents and as the matter is under active consideration of this Court, the respondents shall ensure that they shall not curtail/limit/stop the pension that was being received by the petitioners in these writ petitions without getting specific orders from this Court.

Post after two weeks.

Sd/-

**RAJA VIJAYARAGHAVAN V,
JUDGE**

IAP