

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

Tuesday, the 26th day of March 2024 / 6th Chaithra, 1946

WP(C) NO. 8177 OF 2024 (V)

PETITIONER:

V.R.BALU, AGED 60 YEARS, S/O VELAPPAN NAIR, TC 24/1437, FLAT – 11B,
LAKSHMINILAYAM HEERA PALACE, KOWDIAR, THIRUVANANTHAPURAM, PIN -
695003

RESPONDENTS:

1. UNION OF INDIA (UOI), REPRESENTED BY THE SECRETARY TO GOVERNMENT OF INDIA, MINISTRY OF LABOUR & DEPARTMENT OF EMPLOYMENT, NEW DELHI, PIN - 110001
2. REGIONAL PROVIDENT FUND COMMISSIONER, EMPLOYEES PROVIDENT FUND ORGANISATION (EPFO), BHAVISHANIDHI BHAVAN, PATTOM PALACE, THIRUVANANTHAPURAM, PIN - 695004
3. REGIONAL PROVIDENT FUND COMMISSIONER-1 (PENSION), EPFO HEAD OFFICE, MINISTRY OF LABOUR & EMPLOYMENT, GOVERNMENT OF INDIA, BHAVISHYA NITHI BHAVAN, 14- BHIKAJI CAMA PALACE, NEW DELHI , PIN - 110066
4. KERALA INDUSTRIAL INFRASTRUCTURE DEVELOPMENT CORPORATION, REPRESENTED BY ITS MANAGING DIRECTOR, TC 31/2312, KINFRA HOUSE, SASTHAMANGALAM, THIRUVANANTHAPURAM, PIN - 695003

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:

i) Stay of Ext.P13 circular dated 14.02.2024 issued by the EPFO in respect of the petitioner to calculate pension on pro rata basis as against to calculate his pension taking an average of 60 months as per the Pension Scheme, 1995, and

ii) issue a direction to the second respondent to intimate the petitioner, after considering Ext.P11, that what would be the monthly pension, if the petitioner remits an amount of Rs.28,29,782/- as requested in Ext.P9, 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 29/2/2024 and upon hearing the arguments of M/S.P.N.MOHANAN, C.P.SABARI, AMRUTHA SURESH & GILROY ROZARIO Advocates for the petitioner, DEPUTY SOLICITOR GENERAL OF INDIA for R1 (By Order), SMT.NITA N.S, STANDING COUNSEL for R2 & R3 and of SRI.P.U.SHAILAJAN, STANDING COUNSEL for R4 (By Order), the court passed the following:

ORDER

Since certain portions of the pension are admitted, I direct the respondents to effect payment to the petitioner; however, subject to further orders from this Court.

Needless to say, if any further amounts are found due by this court, the same shall be also be paid by the respondents to the petitioner in due course.

List on 2.4.2024.

Hand Over.

Sd/- DEVAN RAMACHANDRAN, JUDGE

