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**P.E.Thomas vs Union of India**

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**SooperKanoon Citation** : sooperkanoon.com/1296075

**Court** : Kerala

**Decided On :** Jul-30-2024

**Judge** : Honourable Mr.Justice N.Nagaresh

**Appeal No.** : WP(C)/19332/2020

**Appellant** : P.E.Thomas

**Respondent** : Union of India

**Judgement** :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE N.NAGARESH TUESDAY, THE 30TH DAY OF JULY 2024 / 8TH SRAVANA, 1946 WP(C) NO. 19332 OF 2020 PETITIONERS: 1 P.E.THOMAS AGED 71 YEARS, S/O.ETAN, 50/934A, PULINAT HOUSE, PARK LINE, SBT JUNCTION, EDAPPALY 682 024. 2 JOSE M.T. AGED 63 YEARS, S/O.M.A.THOMAS, MARIKKUDIYIL HOUSE, THRIKKALATHOOR P.O., THRIKKALATHOOR-683 541. 3 BABY THOMAS AGED 64 YEARS, MANJANGA HOUSE, SOUTH VAZHAKKULAM P.O., ALUVA 683105 4 P.S.JOSEPH AGED 65 YEARS S/O.P.C.SEBASTIAN, PALLIPPADAN HOUSE, EDAPPALLY P.O., ERNAKULAM. 5 JOLLY THOMAS AGED 62 YEARS, W/O.P.E.THOMAS, 50/934A, PULINAT HOUSE, PARK

LINE, SBT JUNCTION, EDAPPALY 682 024. 6 RAJU P.M. AGED 60 YEARS, S/O.P.E.MATHAI, PULINAT HOUSE, MANATHUPADOM ROAD, CHANGAMPUZHA NAGAR, KALAMASSERRY P.O., KOCHI. 7 DR.L.JAYABALAN N. AGED 59 YEARS S/O.LAKSHMANAN N., 16/329 MANAJACOMBAI, MANAJACOMBAI BAZAR P.O., MELUR - NILGRIS, THE NILGRIS DISTRICT, TAMILNADU. :2: 8 ANTONY U.E. AGED 55 YEARS, S/O.ESTHAPPAN, 5/505, UTHUPPAN HOUSE, NEDUMTHURUTHY NAGAR, EDAPPALLY P.O., KOCHI 682 024. 9 VARGHESE U.E. AGED 49 YEARS S/O.ESTHAPPAN, UTHUPPAN HOUSE, K.P.MARIKKAR ROAD, GANDHI LANE, EDAPPALLY TOLL, EDAPPALLY P.O., KOCHI- 682 024. 10 BINDU G. NAIR AGED 53 YEARS, W/O.K.S. RAMACHANDRAN, THAMBURU, PUTHALATH ROAD, NORTH KALAMASSERRY, KOCHI 683 104. BY ADV A.K.PREETHA RESPONDENTS:

1 UNION OF INDIA REP. BY THE SECRETARY, MINISTRY OF LABOUR AND EMPLOYMENT, GOVERNMENT OF INDIA, SHRAM SAKTHI BHAVAN, RAFI MARGH, NEW DELHI-110 001 2 EMPLOYEES' PROVIDENT FUNDS ORGANISATION REP. BY THE CENTRAL EMPLOYEES PROVIDENT FUND COMMISSIONER, EMPLOYEES PROVIDENT FUND ORGANIZATION, BHAVISHYANIDHI BHAVAN, 14-BHIKHAJI CAMA PLACE, NEW DELHI-110 066 3 REGIONAL PROVIDENT FUND COMMISSIONER EMPLOYEES PROVIDENT FUND ORGANIZATION, SUB REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN, KALOOR, KOCHI-682 017 4 MERCHEM LTD. 44, DEVELOPMENT STREET, SOUTH KALAMASSERY INDUSTRIAL ESTATE, COCHIN, INDUSTRIAL ESTATE, SOUTH KALAMASSERY, :3:

KALAMASSERY, KERALA 683 109, REP. BY ITS MANAGING DIRECTOR. BY ADVS. SRI.S.PRASANTH SRI.SAJEEVKUMAR K GOPAL, STANDING COUNSEL SRI.T.C.KRISHNA, CGC THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :4:

## JUDGMENT

Dated this the 30th day of July, 2024 The petitioners have filed this writ petition seeking to direct the Employees Provident Fund Organisation to permit the petitioners to opt for full Pension Scheme benefits.

2. The issues relating to Pension Scheme benefits are

now covered by a judgment of the Hon'ble Apex Court in Employees Provident Fund Organisation and another v. Sunil Kumar B. and others [2022 SCC Online SC 1521]. In view of the law laid down by the Hon'ble Apex Court in the

## judgment in Employees Provident Fund Organisation and

another (supra), this writ petition can be disposed of. The writ petition is therefore disposed of directing that the claim of the petitioners and options submitted shall be :5: considered in accordance with the law laid down by the Hon'ble Apex Court in Employees Provident Fund Organisation and another (supra). Sd/- N. NAGARESH JUDGE ams :6: APPENDIX OF WP(C) 19332/2020 PETITIONER EXHIBITS EXHIBIT P1 PROVIDENT FUND DETAILS OF PETITIONERS EXHIBIT P2 TRUE COPY OF CIRCULAR NO.PENSION/MISC/2005 DATED NI, ISSUED FROM THE OFFICE OF THE 2ND RESPONDENT. EXHIBIT P3 TRUE COPY OF THE JUDGMENT DATED 25.02.2020 IN W.P.(C).NO.3846/2019 AND CONNECTED CASES. RESPONDENTS EXHIBITS EXHIBIT R2(a) A TRUE COPY OF THE ORDER DATED 29.01.2021 IN SLP (CIVIL) NOS.8658- 8659 OF 2019 OF THE HON'BLE SUPREME COURT EXHIBIT R2(b) A TRUE COPY OF THE ACTUARIAL REPORT DATED 27.12.2018. EXHIBIT R2(c) A TRUE COPY OF THE EXPLANATORY STATEMENT DATED 20.06.2019 TO THE ACTUARIAL REPORT. EXHIBIT R2(d) A TRUE COPY OF THE ORDER DATED 12.07.2019 IN SLP (CIVIL) DIARY NO.11023/2019 OF THE HON'BLE SUPREME COURT EXHIBIT R2(e) A TRUE COPY OF THE ORDER OF THE HON'BLE SUPREME COURT DATED 06.02.2020 IN CONMT.PET(C) NO.1917-1918/2018 EXHIBIT R3(f) A TRUE COPY OF THE JUDGMENT DATED 14.01.2020 IN CWP-19985-2018(O&M) OF THE PUNJAB AND HARIYANA HIGH COURT. EXHIBIT R3(g) A TRUE COPY OF THE ORDER DATED 12.02.2021 IN CWP-18756-2011 (O&M)

AND CONNECTED CASES OF THE PUNJAB AND :7: HARIYANA HIGH COURT EXHIBIT R3(h) A TRUE COPY OF THE DAILY STATUS DATED 03.11.2020 IN WPSS /929/19 OF THE HIGH COURT OF UTTARAKHAND. EXHIBIT R3(i) A TRUE COPY OF THE DAILY STATUS DATED 03.11.2020 IN WPSS/972/19 OF THE HIGH COURT OF UTTARAKHAND. EXHIBIT R3(j) TRUE COPY OF THE DAIL STATUS DATED 03.11.2020 IN WPSS/1006/2019 OF THE HIGH COURT OF UTTARAKHAND.

EXHIBIT R3(k) A TRUE COPY OF THE CALCULATION

PETITIONERS.

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