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Devasi Prasad I, vs Union of India

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Court : Kerala

Decided On : Jul-30-2024

Judge : Honourable Mr.Justice N.Nagaresh

Appeal No. : WP(C)/20594/2020

Appellant : Devasi Prasad I,

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. 20594 OF 2020 PETITIONER: DEVASI PRASAD I, AGED 61 YEARS, S/O. INNASI MUTHU, PERINAD ESTATE, MANIYAR P.O, VADASSERY KARA, PATHANAMTHITTA - 689662 NOW RESIDING AT PADINJARE CHERUVIL, ARIYIKKAKAVU, MANIYAR P.O, PATHANAMTHITTA - 689662.

BY ADV P.A.SALIM RESPONDENTS: 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 ORGANIZATION,

REPRESENTED BY THE CHIEF PROVIDENT FUND COMMISSIONER, BHAVISHYA NIDHI BHAVAN, 14, BHIKAJI CAMA PLACE, NEW DELHI 110 066. 3 REGIONAL PROVIDENT COMMISSIONER, THE EMPLOYEES PROVIDENT ORGANIZATION, PATTOM P.O, THIRUVANANTHAPURAM PIN 695 004. 4 THE ASSISTANT PROVIDENT COMMISSIONER, THE EMPLOYEES PROVIDENT ORGANIZATION, BHAVISHYANIDHI BHAVAN, PATTOM P.O., THIRUVANANTHAPURAM, PIN 695 004. 5 THE SENIOR MANAGER, OPERATIONS, THE MIDLAND PRODUCE COMPANY :2: LIMITED, REGD. OFFICE NO.27/1032, PANAMPILLY NAGAR, KOCHI - 682 036. BY ADVS. SRI.RAJAGOPALAN.A., CGC SRI.SAJEEVKUMAR K GOPAL, STANDING COUNSEL SRI.M.GOPIKRISHNAN NAMBIAR SRI.K.JOHN MATHAI SRI.JOSON MANAVALAN SRI.KURYAN THOMAS SRI.PAULOSE C. ABRAHAM SRI.RAJA KANNAN THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :3:

JUDGMENT

Dated this the 30th day of July, 2024 The petitioner has filed this writ petition seeking to direct the Employees Provident Fund Organisation to permit the petitioner 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 petitioner and options submitted shall be :4: 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 :5: APPENDIX OF WP(C) 20594/2020 PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN W.P(C) NO. 915/2017 DATED 12-10-2018 EXHIBIT P2 TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN WP(C) NO. 36201 OF 2017 DATED 06-12-2018 EXHIBIT P3 TRUE COPY OF THE JOINT APPLICATION SUBMITTED BY THE PETITIONER WITH 5TH RESPONDENT TO 4TH RESPONDENT DATED 26-04-2019

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