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P.Jayakumar Vs. Union of India

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SooperKanoon Citation : sooperkanoon.com/48653

Court : Kerala

Decided On : Mar-03-2015

Judge : Honourable Mr.Justice K.Vinod Chandran

Appellant : P.Jayakumar

Respondent : Union of India

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN TUESDAY, THE3D DAY OF MARCH201512TH PHALGUNA, 1936 WP(C).No. 6621 of 2015 (C) ---------- PETITIONER(S): ---------- 1. P.JAYAKUMAR, EMPLOYEE CODE NO. 2009, ASSISTANT TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

2. S. GEETHA, EMPLOYEE CODE NO. 2026, CHARGEMAN-I (ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

3. V. RAGINI, EMPLOYEES CODE NO. 2027, CHARGEMAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

4. D. GLAFSTON, EMPLOYEE CODE NO. 2039, CHARGEMAN-I (ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

5. N.R. MEERA, EMPLOYEE CODE NO. 2044, CHARGEMAN (ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

6. KUMARI PREMALATHA, EMPLOYEE CODE NO. 2048, CHARGEMAN (ELECTRICAL) TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

7. B.M. THULASI, EMPLOYEE CODE NO. 2052, CHARGEMAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

8. L. SREEDEVI, EMPLOYEE CODE NO. 2054, CHARGEMAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

9. B. RADHAKRISHNAN, EMPLOYEE CODE NO. 2058, SENIOR CLERK-II (STORES), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM. Msv/ -2- -2- WP(C).No. 6621 of 2015 (C) ---------- 10. S. BABU KUMAR, EMPLOYEE CODE NO. 2059, CHARGEMAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

11. E. ARIFA BEEVI, EMPLOYEE CODE NO. 2075, CHARGEMAN-I(ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

12. C. GEETHA KUMAR, EMPLOYEE CODE NO. 2078, CHARGEMAN-I(ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

13. M. SREEKUMARAN NAIR, EMPLOYEE CODE NO. 2084, CHARGEMAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

14. K.P. BEENA, EMPLOYEE CODE N. 2089, CHARGEMAN-I(ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

15. M. JAMEELA, EMPLOYEE CODE NO. 2126, ASSISTANT TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

16. S. MOHANA CHANDRAN, EMPLOYEE CODE N. 2145, CHARGEMAN-I(ELECTRICAL) TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

17. L. ANITHA, EMPLOYEE CODE NO. 2184, CHARGEMAN-I(ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

18. K.S. GEETHA DEVI, EMPLOYEE CODE NO. 2149, CHARGEMAN-I (ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

19. G. BEENA KUMARI, EMPLOYEE CODE NO. 2155, CHARGEMAN-I (ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM. Msv/ -3- -3- WP(C).No. 6621 of 2015 (C) ---------- 20. C. SATHEESH KUMAR, EMPLOYEE CODE NO. 2174, CHARGEMAN-I (ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

21. S.A. RAJASEKHARAN NAIR, EMPLOYEE CODE NO. 2178, SR. BOILER OPERATOR (CHARGEMAN), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

22. A. MAJUPHA, EMPLOYEE CODE NO. 2198, CHARGEMAN-I (ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

23. S.S. REEJA, EMPLOYEE CODE NO. 2201, CHARGEMAN-I (ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

24. P.P.PURUSHOTHAMAN NAIR, EMPLOYEE CODE NO. 2237, SENIOR FILTER CHARGEMAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

25. SREEMAYA DEVI I.S., EMPLOYEE CODE NO. 2250, CHARGEMAN-I (ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

26. S. ASWATHY, EMPLOYEE CODE NO. 2252, CHARGEMAN-I (ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

27. V.G. PUSHPALATHA, EMPLOYEE CODE NO. 2254, CHARGEMAN-I (ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

28. S. GOPAKUMAR, EMPLOYEE CODE NO. 2260, ASSISTANT TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

29. MOLLY G. EMPLOYEE CODE NO. 2273, CHARGEMAN-I (ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM. Msv/ -4- -4- WP(C).No. 6621 of 2015 (C) ---------- 30. G. SATHI KUMARI, EMPLOYEE CODE NO. 2278, CHARGEMAN-I (ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

31. T. THANKAMANI, EMPLOYEE CODE NO. 2295, CHARGEMAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

32. V. LATHAKUMARI, EMPLOYEE CODE NO. 2306, ASSISTANT TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

33. P.S. PRASHOBHANAN, EMPLOYEE CODE NO. 2352, SENIOR TECHNICIAN-II(ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

34. R. RAJ MOHANAN, EMPLOYEE CODE NO. 2356, SENIOR TECHNICIAN II, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

35. K. MURALEEDHARAN, EMPLOYEE CODE NO. 2356, SENIOR CLERK-I, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

36. A. SHAHUL HAMEED, EMPLOYEE CODE NO. 2359, SENIOR TECHNICIAN-II, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

37. Y.JOHN PRASAD, EMPLOYEE CODE NO. 2398, SENIOR TECHNICIAN-II(ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

38. S. ARUN, EMPLOYEE CODE NO. 2416, SENIOR TECHNICIAN-II(ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

39. G. JAYAKUMARAN NAIR, EMPLOYEE CODE NO. 2420, SENIOR TECHNICIAN-II(ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM. Msv/ -5- -5- WP(C).No. 6621 of 2015 (C) ---------- 40. P.S. RAJAN,

EMPLOYEE CODE NO. 2424, SENIOR DRIVER II, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

41. N. RAMESH, EMPLOYEE CODE NO. 2440, SENIOR CLERK-I(STORES), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

42. A. MANMADAN NAIR, EMPLOYEE CODE NO. 2442, SENIOR TECHNICIAN II, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

43. J.

MAHESH KUMAR, EMPLOYEE CODE NO. 2448, SENOR TECHNICIAN-II (ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

44. B. SUDHAKARAN, EMPLOYEE CODE NO. 2450, SENIOR TECHNICIAN-II(ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

45. M.S. ANILKUMAR, EMPLOYEE CODE NO. 2480, SENIOR CLERK, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

46. G. SREE KUMAR, EMPLOYEE CODE NO. 2494, SENIOR TECHNICIAN-II (ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

47. A. SASIDASAN, EMPLOYEE CODE NO. 2552, SENIOR TECHNICIAN-I(ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

48. K. KRISHNANKUTTY, EMPLOYEE CODE NO. 2662, SENIOR DRIVER-I, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

49. SASEENDRAN NAIR, EMPLOYEE CODE NO. 2663, SENIOR OFFICE CLERK-I, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM. Msv/ -6- -6- WP(C).No. 6621 of 2015 (C) ---------- 50. C.K. RAJESH KUMAR, EMPLOYEE CODE NO. 2675, SENIOR TECHNICIAN-I (ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

51. K. BALARAM, EMPLOYEE CODE NO. 2678, SENIOR TECHNICIAN I(ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

52. S. VARIJAKSHAN, EMPLOYEE CODE NO. 2686, SENIOR TECHNICIAN-I(ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

53. T. KUMAR, EMPLOYEE CODE NO. 2687, SENIOR TECHNICIAN-I(ELECTRICAL), TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

54. T. KUMAR, EMPLOYEE CODE NO. 2694, DATA ENTRY OPERATOR, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

55. V.S. JAYAKUMAR, EMPLOYEE CODE NO. 2698, SENIOR TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

56. T.S. SREENIVASAN, EMPLOYEE CODE NO. 2703, SENIOR DRIVER, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

57. K.S. SREEJITH, EMPLOYEE CODE NO. 2704, SENIOR OFFICE ASSISTANT, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

58. S. AJITH KUMAR, EMPLOYEE CODE NO. 2709, OFFICE CLERK, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

59. N. GIREESH,EMPLOYEE CODE NO. 2715, SENIOR TECHNICIAN(ELECTRICAL) TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM. Msv/ -7- -7- WP(C).No. 6621 of 2015 (C) ---------- 60. AJAYAKJUMAR, EMPLOEE CODE NO. 2727, SENIOR DRIVER, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

61. N. SURESH KUMAR, EMPLOYEE CODE NO. 2737, LAUNDRY ASSISTANT, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

62. USHAKUMARI P., EMPLOYEE CODE NO. 2740, ASSISTANT, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

63. S. SURESH KUMAR, EMPLOYEE CODE NO. 2741, DRIVER, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

64. HAREESH BABU, EMPLOYEE CODE NO. 2742, DRIVER, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

65. MANOJ KUMAR P.T., EMPLOYEE COFDE NO. 2745, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

66. SANJU MOHAN M.S., EMPLOYEE CODE NO. 2750, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

67. S. SREEJITH, EMPLOYEE CODE NO. 2753, ASSISTANT, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

68. C.S. JIJITH KUMAR, EMPLOYEE CODE NO. 2756, ASSISTANT, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

69. P.K. HARIPRASAD, EMPLOYEE CODE NO. 2758, ELECTRICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM. Msv/ -8- -8- WP(C).No. 6621 of 2015 (C) ---------- 70. B. SUDHA DEVI, EMPLOYEE CODE NO. 2759, CANTEEN SUPERVISOR, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

71. HARI KUMAR S., EMPLOYEE CODE NO. 2760, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

72. MINIMOL M.R., EMPLOYEE CODE NO. 2761, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

73. R.S. KUMAR, EMPLOYEE CODE NO. 2762, DRIVER, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

74. REJISH R., EMPLOYEE CODE NO. 2763, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

75. RUPESH S., EMPLOYEE CODE NO. 2764, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

76. DHANESH G.NATH, EMPLOYEE CODE NO. 2767, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

77. RAKESH R.U., EMPLOYEE CODE NO. 2768, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

78. PRABATH KUMAR, EMPLOYEE CODE NO. 2769, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

79. SAJIR A., EMPLOYEE CODE NO. 2771, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM. Msv/ -9- -9- WP(C).No. 6621 of 2015 (C) ---------- 80. SHAMJI SAMUEL, EMPLOYEE CODE NO. 2774, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

81. VINOD B.N., EMPLOYEE CODE NO. 2777, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

82. R. PRASAD, EMPLOYEE CODE NO. 2778, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

83. V. PRASAD, EMPLOYEE CODE NO. 2780, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

84. B.R. RADHAKRISHNAN, EMPLOYEE CODE NO. 2781, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

85. KRISHNA KUMAR B., EMPLOYEE CODE NO. 2783, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

86. SUJITH BABU S., EMPLOYEE CODE NO. 2785, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

87. RAJESH S., EMPLOYEE CODE NO. 2787, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

88. ANUPAMA KRISHNAN G.V., EMPLOYEE CODE NO. 2788, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

89. RAJESH KUMAR M., EMPLOYEE CODE NO. 2792, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM. Msv/ -10- -10- WP(C).No. 6621 of 2015 (C) ---------- 90. ARUN S. KUMAR, EMPLOYEE CODE NO. 2793, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

91. DHANA RAJ V.V., EMPLOYEE CODE NO. 2794, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

92. VINOD R.V., EMPLOYEE CODE NO. 2800, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

93. K. KRISHNA KUMAR, EMPLOYEE CODE NO. 2801, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

94. GOPAKUMAR S., EMPLOYEE CODE NO. 2807, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

95. ANEESH G.R., EMPLOYEE CODE NO. 2809, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

96. MAHESH M.R., EMPLOYEE CODE NO. 2812, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

97. SANTHOSH KUMAR V., EMPLOYEE CODE NO. 2815, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

98. DAYA KUMAR P.C., EMPLOYEE CODE NO. 2816, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

99. MANEESH KUMAR G., EMPLOYEE CODE NO. 2818, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM. Msv/ -11- -11- WP(C).No. 6621 of 2015 (C) ---------- 100. SURAJ M.C., EMPLOYEE CODE NO. 2819, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

101. AJITH KUMAR K.V., EMPLOYEE CODE NO. 2823, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

102. JOSE J., EMPLOYEE CODE NO. 2826, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

103. MAHESWARI AMMA P.V., EMPLOYEE CODE NO. 2831, ASSISTANT, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

104. M. BIJEESH KUMAR, EMPLOYEE CODE NO. 2837, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

105. SUNIL KUMAR T.V., EMPLOYEE CODE NO. 2839, TECHNICIAN, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

106. S. VALSALA, EMPLOYEE CODE NO. 2849, ASSISTANT, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

107. JACOB L., EMPLOYEE CODE NO. 2852, TECHNICIAN (ON PROBATION) TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

108. SURESH M.A., EMPLOYEE CODE NO. 2865, TECHNICIAN (ON PROBATION, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

109. NIKKU PAUL P., EMPLOYEE CODE NO. 2867, TECHNICIAN (ON PROBATION, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM. Msv/ -12- -12- WP(C).No. 6621 of 2015 (C) ---------- 110. VINOD B., EMPLOYEE CODE NO. 2869, TECHNICIAN (ON PROBATION, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

111. ULLASKUMAR G., EMPLOYEE CODE NO. 2870, TECHNICIAN (ON PROBATION, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

112. DILEEP V., EMPLOYEE CODE NO. 2875, TECHNICIAN (ON PROBATION, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

113. REJEESH R., EMPLOYEE CODE NO. 2883, TECHNICIAN (ON PROBATION, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

114. SREENATH M.S., EMPLOYEE CODE NO. 2884, TECHNICIAN (ON PROBATION, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

115. SAJAN KUMAR S.S., EMPLOYEE CODE NO. 2905, TECHNICIAN (ON PROBATION, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

116. MANU ASOK, EMPLOYEE CODE NO. 2906, TECHNICIAN (ON PROBATION, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

117. MURUKESH R.G., EMPLOYEE CODE NO. 2908, TECHNICIAN (ON PROBATION, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

118. PRASANTH KUMAR P.S., EMPLOYEE CODE NO. 2910, TECHNICIAN (ON PROBATION, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

119. C.R.RATHEESH KUMAR, EMPLOYEE CODE NO. 2912, TECHNICIAN (ON PROBATION, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM. Msv/ -13- -13- WP(C).No. 6621 of 2015 (C) ---------- 120. SANIL KUMAR, EMPLOYEE CODE NO. 2913, TECHNICIAN (ON PROBATION, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.

121. MAHESH S.L., EMPLOYEE CODE NO. 2916, TECHNICIAN (ON PROBATION, TERUMOPENPOL PRIVATE LIMITED, BLOOD BAG FACTORY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM. BY ADVS.SRI.P.N.MOHANAN SRI.C.P.SABARI RESPONDENT(S): ---------- 1. UNION OF INDIA (UOI), REPRESENTED BY THE SECRETARY TO GOVERNMENT OF INDIA, MINISTRY OF LABOUR AND DEPARTMENT OF EMPLOYMENT, NEW DELHI - 110 001.

2. REGIONAL PROVIDENT FUND COMMISSIONER, EMPLOYEES PROVIDENT FUND ORGANISATION (EPFO), BHAVISHYANIDHI BHAVAN, PATTOM PALACE, THIRUVANANTHAPURAM - 695 004.

3. TERUMOPENPOL PRIVATE LIMITED, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, PULIYARAKONAM P.O., THIRUVANANTHAPURAM - 695 004. R1 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL R2 BY ADVS. SRI.N.N.SUGUNAPALAN, SC SMT. T.N.GIRIJA, SC,EPF ORGANISATION THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON0303-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: msv/ WP(C).No. 6621 of 2015 (C) ---------- APPENDIX PETITIONER(S)' EXHIBITS ---------- EXHIBIT-P1-TRUE COPY OF THE

JUDGMENT
DATED0411/2011 IN W.P(C) 6643/2007. EXHIBIT-P2-TRUE COPY OF THE

JUDGMENT
DATED0503/2013 IN W.A11372012. EXHIBIT-P3-TRUE COPY OF THE

JUDGMENT
IN W.P(C) 2059/2014. EXHIBIT-P4-TRUE COPY OF THE

JUDGMENT
IN W.P(C) 8298/2014. RESPONDENT(S)' EXHIBITS: ---------- NIL //TRUE COPY// P.S.TO JUDGE Msv/ K.VINOD CHANDRAN, J - W.P.(C).No. 6621 of 2015 - -

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JUDGMENT

I have heard the learned counsel appearing for the petitioners, the learned Assistant Solicitor General appearing for the 1st respondent, the learned Standing Counsel appearing for the 2nd respondent and the counsel for the 3rd respondent.

2. The petitioners are the employees of the 3rd respondent. Admittedly, the petitioners are covered under the Employees Provident Funds and Miscellaneous Provisions Act, 1952 and the Employees Pension Scheme, 1995. The petitioners had salary above Rs.6500/-, and are stated to have exercised an option under Section 26(6) of the Act. However, the Provident Fund Organization disputes the exercise of joint option by the employer and the employee; and WP(C).6621/15 2 asserts that it has not been done.

3. Be that as it may, it is admitted that the contribution to the Provident Fund being 12% of the total salary deducted as employees contribution and the 12% paid by the employer, were remitted to the Organization. As per the provisions of the Pension Scheme 8.33% of the contribution from the employer, is to be deducted and credited to the Pension Fund. However, in making such deduction, the Provident Fund Organization limited it to 8.33% of the maximum salary provided, ie., Rs.6500/-. The balance contribution made by the employer for the salary in excess of Rs.6,500/-, was fully retained in the Provident Fund Account itself.

4. The petitioners contend that such a retention was made by the Organization without reference to the statute. The cut-off date WP(C).6621/15 3 prescribed being 01.12.2004 is also against the statutory provisions and does not have any nexus with the object sought to be achieved, is the argument. This Court has by judgment in W.P.(C) Nos. 6643 & 9929 of 2007, dated 04.11.2011, held that the cut-off date prescribed is without jurisdiction and that the Organization could not have retained the 8.33% of the employer's contribution, proportionate to the salary in excess of Rs.6,500/- in the Provident Fund Account and that it ought to have been credited to the Pension Scheme. The aforesaid judgment, of a learned Single Judge was also confirmed in appeal. The amounts, being 8.33% contribution in excess of the earlier prescribed limit of Rs. 6,500/- in any event,

have been retained with the Provident Fund Organization and what would be required to comply, with the judgments of this Court, is only book adjustments. WP(C).6621/15 4 5. Following the binding precedents, it is directed that the 8.33% of the employer's contribution, proportionate to the salary of the employee, in excess of Rs.6,500/-, shall now be credited to the Pension Scheme and orders passed in accordance with law. Needless to say the interest accrued in the Provident Fund Account to that extent also will stand transferred to the Pension Account.

6. The extant employees shall also submit joint applications, along with their employer wherever the same has not been done. The directions above noted shall be complied within three months from the date of receipt of a certified copy of this judgment.

7. It is also stated that the judgment passed in the same lines in other writ petitions were confirmed by a Division Bench in W.A No. WP(C).6621/15 5 1442 of 2014. But, however, leaving the question open to be considered depending upon the result of the petitions filed before the Hon'ble Supreme Court. That reservation shall be there in the present writ petition also. Writ petition allowed. Sd/- K.VINOD CHANDRAN Judge Mrcs //True Copy//

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