

Ajith S Vs. Union of India

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SooperKanoon Citation : sooperkanoon.com/50261

Court : Kerala

Decided On : Apr-06-2015

Judge : Honourable Mr.Justice K.Vinod Chandran

Appellant : Ajith S

Respondent : Union of India

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN MONDAY,THE6H DAY OF APRIL201516TH CHAITHRA, 1937 WP(C).No. 11108 of 2015 (K)

----- PETITIONER(S): ----- 1. AJITH.S, (EMPLOYEE CODE2806), AJITH BHAVAN, CHERUVATTIYOORKONAM, PULIYARAKONAM P.O., THIRUVANANTHAPURAM-695 573.

2. ANILKUMAR R., (EMPLOYEE CODE2904 R.S.BHAVAN, PARAVOTTUKONAM, NADOORKOLLA, AMARAVILA P.O., THIRUVANANTHAPURAM.

3. RAJESH C., (EMPLOYEE CODE2899 RADHIKA NIAVAS, CHENNATTUKONAM, ALAKUNNAM, PEYAD P.O., THIRUVANANTHAPURAM-695 573.

4. ANOOP A.K., (EMPLOYEE CODE2843 KUNNUVILLA VEEDU, VELLAIKADAVU, KODUNGANOOR P.O., THIRUVANANTHAPURAM-695 013.

5. SHAMEER A., (EMPLOYEE CODE2776 N.V.K.HOUSE, THURUTHY,NEDUMANGAD, THOLICODE P.O., THIRUVANANTHAPURAM-695 542.
6. SREEKUMAR BABU M.B., (EMPLOYEE CODE2702 MANEZHATH HOUSE, EDA-COCHI, COCHIN-10.
7. JOBIN T., (EMPLOYEE CODE2746) PUTHUPARAMBIL HOUSE, MALAMUKAL, KODUNGANOOR P.O., THIRUVANANTHAPURAM-695 013.
8. AMBILI KUMAR V.S., (EMPLOYEE CODE2428 KUZHIVILAKATHU VEEDU, KALATHUKAL, KARAKULAM P.O., THIRUVANANTHAPURAM-695 564.
9. K.VENUGOPALAN NAIR, (EMPLOYEE CODE2071 'SREE SASTHA', THACHOTTUKAVU, MALAYINKIL P.O., THIRUVANANTHAPURAM-695 571.
10. SHERLY JASMIN.J., (EMPLOYEE CODE2777) ESHARATH T.C.13/667, PUNNAKKAMUGHAL, AMBEDKAR ROAD, ARAMADA P.O. sts 2/- -2- WP(C).NO.11108/2015 11. MURALEEDHARAN NAIR.A., (EMPLOYEE CODE2127) KOOVIL VEEDU, PULIYARAKONAM P.O., THIRUVANANTHAPURAM-695 573.
12. VIJAYAKUMAR, (EMPLOYEE CODE2038) AKASH BHAVAN, CHERUVATTIYOORKONAM, PULIYARAKONAM P.O., THIRUVANANTHAPURAM-695 573.
13. SHAIJU DENNISON, (EMPLOYEE CODE2883) KANNER VEEDU, ANAMUGHAM, ARUKANY P.O., THIRUVANANTHAPURAM-695 101.
14. AJITHKUMAR U., (EMPLOYEE CODE2885 LAVANYA, TC102221, KANJIRAMPARA P.O., THIRUVANANTHAPURAM-695 530 15. ARAVIND.K.G., (EMPLOYEE CODE2891) NILA, SNRA H3, KUMBIL VILA, MUKKOLA P.O., THIRUVANANTHAPURAM-695 043.
16. LALU.D.C., (EMPLOYEE CODE2880 PAZHAVATTU MELE D.C. NIVAS, VADAKARA, MARAYAMUTTOM P.O., THIRUVANANTHAPURAM-695 124.

17. SHALU.D.C., (EMPLOYEE CODE2791 PAZHAVATTU MELE D.C.NIVAS, VADAKARA, MARAYAMUTTOM P.O., THIRUVANANTHAPURAM-695 124.
18. JUSTIN JOSE J.S., (EMPLOYEE CODE2886 CHARUVILA, JUSTIN HOUSE, KANJIRAMKULAM P.O., THIRUVANANTHAPURAM-695 524.
19. SHARON KUMAR P.S., (EMPLOYEE CODE2909)OLH NO.03, KAVINPURAM, VILAPPILSALA P.O., THIRUVANANTHAPURAM-695 573.
20. VISHNU MOHAN M., (EMPLOYEE CODE2853) KOLACHIRRA, THOTTINKARA VEEDU, PALLOLU VILLA, MALAYINKEEZHU P.O., THIRUVANANTHAPURAM-695 571.
21. DEEPU C.S., (EMPLOYEE CODE2864) MANJU BHAVAN, ALAYATTY, THURATHUMMOOLA, PULIYARAKONAM P.O., THIRUVANANTHAPURAM-695 573.
22. VIPIN KUMAR B., (EMPLOYEE CODE2829 VIPINALAYAM, RAMESWARAM TEMPLE ROAD, PULIYARAKONAM, THIRUVANANTHAPURAM-695 573. 3/- -3-WP(C).NO.11108/2015 23. SHAMSUDEEN. S., (EMPLOYEE CODE2722) BINU MANZIL, KOCHUVILA P.O., PERINGAMMALA, THIRUVANANTHAPURAM.
24. VIJAYAKUMAR.R., (EMPLOYEE CODE2739 VINTUVILLA, ALAKUNNAM, PEYAD P.O., THIRUVANANTHAPURAM.
25. AJITH KUMAR.G., (EMPLOYEE CODE2677 KALABHAVAN, THIRUPURAM P.O., NEYYATTINKARA, THIRUVANANTHAPURAM-695.
26. SANJUKRISHNAN K., (EMPLOYEE CODE2878 PUNARTHAM, MANCHADI, MALAYINKIL P.O., THIRUVANANTHAPURAM-695 571.
27. SHIBU S.L., (EMPLOYEE CODE2797) INCHIVILAKOM, VADAKKEKARA VEEDU, ATHIYANNOOR, ARALUMOOD P.O., THIRUVANANTHAPURAM-695 123.
28. SUDHEESH M.N., (EMPLOYEE CODE2886) MALAYILOZHATHIL, SEETHATHODE P.O., PATHANAMTHITTA.

29. SURESHKUMAR K.S., (EMPLOYEE CODE2842) PATHIRIATHU VEEDU, CHOWALLOOR, VILAPPILSALA P.O., THIRUVANANTHAPURAM-695 573.
30. BIJU P.C., (EMPLOYEE CODE2813 MANNANMKONAM PUTHEN VEEDU, MUTHIYAVILA, KATTAKADA P.O., THIRUVANANTHAPURAM-695 572.
31. SIVA PRASAD.S., (EMPLOYEE CODE2770) SIVALAYAM, T.C10930, VRA-69, MANNAMMOOLA, PEROORKADA P.O., THIRUVANANTHAPURAM-695 005.
32. SHAJAHAN.A., (EMPLOYEE CODE2743 HAZEENA MANZIL, PHC ROAD, VILAPPILSALA P.O., THIRUVANANTHAPURAM-695 573.
33. RAJESH KUMAR.M., (EMPLOYEE CODE2733 AMARATHUVILAKATHU VEEDU, KATHALLOORMUTTOM, CHERIYAKONNI P.O., THIRUVANANTHAPURAM-695 013.
34. PRAVEEN.S.L., (EMPLOYEE CODE2825 JESUS, KARAKONAM, MACHEL P.O., MALAYINKIL, THIRUVANANTHAPURAM-695 571. 4/- -4-WP(C).NO.11108/2015 35. GEORGEKUTYY A., (EMPLOYEE CODE2128 EVARGREEN VILLA KOOVIL, PULIYARAKONAM P.O., THIRUVANANTHAPURAM-695 573.
36. SATHEESHKUMAR K.S, (EMPLOYEE CODE2360 SREE BHAVAN, MOONGODU, PEYAD P.O., THIRUVANANTHAPURAM.
37. RAVEENDRAN NAIR K.P., (EMPLOYEE CODE2124 ATHIRA BHAVAN, PULIYARAKONAM P.O., THIRUVANANTHAPURAM-695 573.
38. SAJU RAVI, (EMPLOYEE CODE2751 SANDHYA BHAVAN, SOORYA NAGAR-26A, NETTAYAM P.O., THIRUVANANTHAPURAM-695 013.
39. SHAIJU V. DAS, (EMPLOYEE CODE2215 HAPPY HOME, T.C182135/6, MANGAD, THIRUMALA P.O., THIRUVANANTHAPURAM-695 006.
40. MADHAVIKUTTI .S., (EMPLOYEE CODE2305 ATHIRA BHAVAN, PULIYARAKONAM P.O., THIRUVANANTHAPURAM-695 573.

41. BAIJUMON G., (EMPLOYEE CODE2892 RENJITH BHAVAN, PLAVOOR, AMACHAL P.O., THIRUVANANTHAPURAM-695 572.
42. GIREESH R.S., (EMPLOYEE CODE2862 KADAIVILA VEEDU, PARASUVAIKKAL P.O., PARASSALA, THIRUVANANTHAPURAM-695 508.
43. DAVIDSON S.G., (EMPLOYEE CODE2795 DANVILLA, NEAR THE MOSQUE CHANGA, CHANGA P.O., THIRUVANANTHAPURAM-695 542.
44. JAYALEKHA M.S., (EMPLOYEE CODE2774 SHARON, MANAKALA, VAZHICHAL P.O., THIRUVANANTHAPURAM.
45. LEKHA D., (EMPLOYEE CODE2379 PRANAVAM, ALLAMKODE, PULIYARAKONAM P.O., THIRUVANANTHAPURAM-695 573.
46. ANITHAKUMARI.N., (EMPLOYEE CODE2289 KASTHURI BHAVAN, KUZHUMUM, MACHEAL.P.O., MANAPURAM, THIRUVANANTHAPURAM.
47. RADHIKAKUMARI.S., (EMPLOYEE CODE2287 SARANA, RAMESWARAM, AMARAVILA P.O., NEYYATTINKARA, THIRUVANANTHAPURAM. 5/- -5-WP(C).NO.11108/2015 48. RAJESH KUMAR.S., (EMPLOYEE CODE2755 PUNNAMOODU VEEDU, KATTAKODE P.O., KATTAKADA, THIRUVANANTHAPURAM.
49. PRASAD.C.S., (EMPLOYEE CODE2798 C.S.NIVAS, THACHANCODE, PAMAMCODE, INDUSTRIAL ESTATE P.O., THIRUVANANTHAPURAM.
50. VIPIN DAS Y., (EMPLOYEE CODE2868 DAS COTTAGE, KUZHITHAKIDI, PERUKAVU P.O., THIRUVANANTHAPURAM-695 573.
51. RAJESH KUMAR.G., (EMPLOYEE CODE2804 KESHAVAM, VEERANAKAVU, VEERANAKAVU P.O., THIRUVANANTHAPURAM-695 572.
52. BINU C., (EMPLOYEE CODE2890 KINGINIPARA THADATHARIKATHU PUTHEN VEEDU, CHOWALLOOR, PULIYARAKONAM P.O., THIRUVANANTHAPURAM-695 573.

53. KRISHNAKUMAR M.P., (EMPLOYEE CODE2775 AVUTHANCODE, PUTHEN VEEDU, VATTIYOORKAVU P.O., THIRUVANANTHAPURAM-695 013.
54. UNNIKRISHNAN M., (EMPLOYEE CODE2765 VRINDANAM, V.P.XI/649(A), ELLUVILA, VILAPPILSALA P.O., THIRUVANANTHAPURAM-695 573.
55. PRAVEEN GEORGE G.V., (EMPLOYEE CODE2834 PARAMBINTHALA KEEZHE PUTHEN VEEDU, CHOWALLOOR, VILAPPILSALA P.O., THIRUVANANTHAPURAM-695 573.
56. SATHI KUMARI, (EMPLOYEE CODE2256 SATHI BHAVAN, CHARUVILA, KOLLAMKONAM, PEYAD P.O., THIRUVANANTHAPURAM.
57. VINOD KUMAR K., (EMPLOYEE CODE2410 T.C101644, THIRUVATHIRA, KEERTHI GARDEN, VATTIYOORKAVU P.O., THIRUVANANTHAPURAM.
58. ANNIE GEORGE E., (EMPLOYEE CODE2441 T.C12441, PLAMOODU P.O., PATTOM, THIRUVANANTHAPURAM-695 504.
59. SURESH RAJ M.L., (EMPLOYEE CODE2874 LEELA BHAVAN, VAYALIKADA, VATTIYOORKAVU P.O., THIRUVANANTHAPURAM-695 013. 6/- - 6- WP(C).NO.11108/2015 60. JAYADEV D., (EMPLOYEE CODE2799 PULIMOOTTU VEEDU, OPP. ARYANAD POLICE STATION, ARYANAD P.O., THIRUVANANTHAPURAM-695 542.
61. RATHEESH KUMR R, (EMPLOYEE CODE2766 GRACE VILLA, MYLADI, PULIYARAKONAM P.O., THIRUVANANTHAPURAM-695 542.
62. PRIJITYH R.S., (EMPLOYEE CODE2850 AISWARAYA VIHAR, MUKKALI, KOTTAKKAKOM P.O., ARYANAD, THIRUVANANTHAPURAM-695 542.
63. LAILA SAROJAM, (EMPLOYEE CODE2152 DIVINE, PAZHAYAKADA, THIRUPURAM P.O., THIRUVANANTHAPURAM.
64. ABILASH C., (EMPLOYEE CODE2876 DAS BHAVAN, VELIKONAM CHERUVALLOOR P.O., K.K.DIST-629 152.

65. RAHUMATH BEEVI.I., (EMPLOYEE CODE2179 BADHURAM, VRA-83, VAZHOTTUKONAM, VATTIYOORKAVU P.O., THIRUVANANTHAPURAM-695 013.

66. BINDUMOL C.P., (EMPLOYEE CODE2290 DREAM LAND APARTMENT, TF-3, MARUTHANKUZH, KANJIRAMPARA P.O. THIRUVANANTHAPURAM.

67. LEELA K.P., (EMPLOYEE CODE2079 KRIPA SADANAM, CHERUVALLOOR, DEVICODE P.O., K.K.DISTRICT.

68. SREEKALA S., (EMPLOYEE CODE2267 KOLLAMVILA VEEDU, KANCHAMPAZHINJI P.O., THIRUPURAM.

69. JOHNY M., (EMPLOYEE CODE2695 AJAY BHAVAN, ALAKUNNAM, PEYAD P.O., THIRUVANANTHAPURAM.

70. SUMA DEVI C.P., (EMPLOYEE CODE2280 ETTURUTHIL HOUSE, ALIETTY, PULIYARAKONAM P.O., THIRUVANANTHAPURAM-695 573.

71. HARIKUMAR K.J., (EMPLOYEE CODE2752 KUNNUVILA VEEDU, VELLAIKKADAVU, KODUNGANNOOR P.O., THIRUVANANTHAPURAM-695 013.

72. JOHNSON CLEETUS, (EMPLOYEE CODE2137 ETTURUTHIL HOUSE, ALIETTY, PULLIYARAKONAM P.O., THIRUVANANTHAPURAM-695 573. 7/- -7-WP(C).NO.11108/2015 73. LATHA KUMARI.L., (EMPLOYEE CODE2258 TAZHAMANGALAM, PUNARAVILA ELLA ROAD, ALLAKUNAM, PEYAD P.O., THIRUVANANTHAPURAM.

74. CHRISTA PRASANNA RATNAM.N., (EMPLOYEE CODE2257 LAL BHAVANA, CHOWALLOOR, PULIYARAKONAM, THIRUVANANTHAPURAM-695 573.

75. SUBHA S., (EMPLOYEE CODE2251 SREEBHAVAN, CHERUVAIKKAL, SREEKARIYAM P.O., THIRUVANANTHAPURAM-695 517.

76. RESHMI.P.R., (EMPLOYEE CODE2710 SREE PADAM, KOOTTAPPANA, NEYYATTINKARA P.O., THIRUVANANTHAPURAM.

77. SANJEEV T.K., (EMPLOYEE CODE2451 TC31287, PARVATHY MANDIRAM, T.K.D. ROAD, EAST PATTOM, THIRUVANANTHAPURAM.
78. SINDHU. M, (EMPLOYEE CODE2848 CHERUKONATHU VEEDU, PULIYARAKONAM P.O., THIRUVANANTHAPURAM-695 573.
79. AMBIKA KUMARI.S.V., (EMPLOYEE CODE2288) SARANYA SREE, RAILWAY STATION ROAD, NEYYATTINKARA P.O., THIRUVANANTHAPURAM.
80. SHYLAJA G.I., (EMPLOYEE CODE2197) PALLATHU HOUSE, MARUTHOOR, VATTAPPARA P.O., THIRUVANANTHAPURAM.
81. GEETHA KUMARI .J., (EMPLOYEE CODE2847 GEETHA BHAVAN, MUNNAKARA, KALLIKKADU, MYLAKKARA P.O., KATTAKKADA, THIRUVANANTHAPURAM.
82. HIRAN BABU.B., (EMPLOYEE CODE2844) KUNNUVILA VEEDU, VELLAIKKADAVU, KODUNGANOOR P.O., THIRUVANANTHAPURAM-695 013.
83. JACKSON LAZER, (EMPLOYEE CODE2486 HALO, T.C01187, ST.MONICAN LANE, PALLITHURA P.O., THIRUVANANTHAPURAM-695 586.
84. SHARI GURUNADH, (EMPLOYEE CODE2915 SARAL, ARYANAD P.O., THIRUVANANTHAPURAM. 8/- -8- WP(C).NO.11108/2015 85. ARUNKUMAR.C., (EMPLOYEE CODE2786) ARUN NIVAS, CHERIYAKONNI P.O., THIRUVANANTHAPURAM-695 013.
86. GIREESH M.V., (EMPLOYEE CODE2796) GIREESH MANDIRAM, KOTTUKANJIRAMVILA, PAPPANAMCODE, THIRUVANANTHAPURAM-695 018.
87. K.AYYAPPAN, (EMPLOYEE CODE2459) REVATHY NIVAS, ARAPURA PUTHEN VEEDU, MELAMCODE, NEMOM P.O., THIRUVANANTHAPURAM-695 020.
88. JAYAKUMAR.K., (EMPLOYEE CODE2754 ADTHYA BHAVAN, MADAVILA, ARUVIKONAM, MOONNAMMOODU, VATTIYOORKAVU P.O., THIRUVANANTHAPURAM.

89. RAMESH KUMAR.L., (EMPLOYEE CODE2714) ALUMMUGAL VEEDU, ARUVIKONAM, MOONNAMMOODU, VATTIYOORKAVU P.O, THIRUVANANTHAPURAM.
90. R.DAISY, (EMPLOYEE CODE2832) MB NIVAS, KALKUZHI, KALATHARA, MANCHA P.O., THIRUVANANTHAPURAM.
91. DEEPAK RAM.V., (EMPLOYEE CODE2845) ASWATHY, KAVINPURAM, VILAPPILSALA P.O., THIRUVANANTHAPURAM.
92. KOUSALYA K., (EMPLOYEE CODE2736 THENAVILA PUTHEN VEEDU, PULIYARAKONAM P.O., THIRUVANANTHAPURAM.
93. K.S.SASIKALA, (EMPLOYEE CODE2130 PUTHUVAVILA, POTTAYIL VEEDU, KAVALLOOR, KRWA- 153A, VATTIYOORKAVU P.O., THIRUVANANTHAPURAM.
94. P.JYOTHISHKUMARI, (EMPLOYEE CODE2025) THEJAS, MALACKAL SAW MILL LANE, PEYAD P.O., THIRUVANANTHAPURAM.
95. JAYANTHI DEVI, (EMPLOYEE CODE2099) SOPANAM, VELLAIKADAVU, KODUNGANOOR P.O., VATTIYOORKAVU, THIRUVANANTHAPURAM.
96. SANTHOSH KUMAR P., (EMPLOYEE CODE2757) SNEHA VEEDU, NAGAKODU, PULIYARAKONAM P.O., THIRUVANANTHAPURAM. 9/- -9-WP(C).NO.11108/2015 97. NIBIN RAJ T.R., (EMPLOYEE CODE2773 V.V.BHAVAN, VENPAKAL, VENPAKAL P.O., THIRUVANANTHAPURAM.
98. GIRILAL.V., (EMPLOYEE CODE2833 GEETHU BHAVAN, CHERUVATTIKONAM,PULIYARAKONAM P.O., THIRUVANANTHAPURAM.
99. JAYAKUMAR R.V., (EMPLOYEE CODE2738) VAZHAVILAKATHU VEEDU, PANANKARA, KODUNGANNOR P.O., THIRUVANANTHAPURAM.
100. JOSHY C.M., (EMPLOYEE CODE2692 CHERIYAPULLINGAL VEEDU, PUTHENKADA, THIRUPURAM P.O, THIRUVANANTHAPURAM.

101. ANILKUMAR S.R., (EMPLOYEE CODE2744 AKHIL BHAVAN, KULASEKHARAM, KODUNGANOOR P.O., THIRUVANANTHAPURAM.
102. K.R.SATHEESAN, (EMPLOYEE CODE2245) SETHU NIVAS, VRWA-4, VELLAIKADAVU, KODUNGANOOR P.O., THIRUVANANTHAPURAM.
103. ANIL KUMAR P., (EMPLOYEE CODE2668) NAYANA VIHAR, KARINADA, PIRAYIMMOODU, NEYYATTINKARA P.O., THIRUVANANTHAPURAM.
104. N.V.DAVIS, (EMPLOYEE CODE2446 NELLISHERI HOUSE, VENNOOR, ANNAMANADA P.O, THRISSUR-680 741.
105. ANIKUMAR K.V., (EMPLOYEE CODE2396 RADHA NIVAS, EDATHALA P.O., ALUVA, ERNAKULAM DISTRICT-683 561.
106. P.PRASAD, (EMPLOYEE CODE2772) CHANDRIKA BHAVAN, MANCHINADU, PULIYARAKONAM.P.O., THIRUVANANTHAPURAM-695 573.
107. SAJITHKUMAR S., (EMPLOYEE CODE2827 UTHRITTATHI, MUYLADI, PULIYARAKONAM P.O., THIRUVANANTHAPURAM-695 573.
108. AJITH DAS, (EMPLOYEE CODE2820) LEKSHMI NARAYAN SADANAM, KOLLAMKONAM, VILAPPILSALA P.O., THIRUVANANTHAPURAM. 10/- -10-WP(C).NO.11108/2015 109. SHIBU G., (EMPLOYEE CODE2805) THELLAKATHU VEEDU, ARUVIKKARAKONAM, AYIROORPARA P.O., POTHENCODE, THIRUVANANTHAPURAM. BY ADVS.SMT.A.K.PREETHA SRI.ANIL NARAYANAN SRI.S.SASIKUMAR RESPONDENT(S):
- 1. UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF LABOUR AND EMPLOYMENT, GOVERNMENT OF INDIA, SHRAM SAKTHI BHAVAN, RAFI MARGH, NEW DELHI-110 001.
2. REGIONAL PROVIDENT FUND COMMISSIONER, EMPLOYEES PROVIDENT FUND ORGANIZATION, REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN, PATTOM, THIRUVANANTHAPURAM-695 004.
3. TERUMO PENPOL PVT LIMITED, P.B.NO.6105, I-2, JAWAHAR NAGAR, THIRUVANANTHAPURAM-695 003, REPRESENTED BY ITS CHAIRMAN CUM

MANAGING DIRECTOR. R1 BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL R2 BY SMT.T.N.GIRIJA, SC,EPF ORGANISATION THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON0604-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: sts WP(C).No. 11108 of 2015 (K) ----- APPENDIX PETITIONER(S)' EXHIBITS ----- EXT.P1. TRUE COPY OF THE

JUDGMENT

DATED411/201 IN WPC NO. 6643/2007. EXT.P2. TRUE COPY OF THE

JUDGMENT

DATED53/2014 IN WA NO.1137/2012. EXT.P3. TRUE COPY OF THE

JUDGMENT

DATED43/2014 IN WPC NO.2059/2014. RESPONDENT(S)' EXHIBITS: NIL ----- /TRUE COPY/ P.S.TO JUDGE sts K. Vinod Chandran, J.

===== W.P.(C)No.11108 of 2015
===== Dated this the 6th day of April, 2015.

JUDGMENT

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

2. The petitioners in the Writ Petition 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 asserts that it has not been done.

3. Be that as it may, it is admitted that the contribution to the Provident W.P.(C)No.11108of 2015 -:2:- 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 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 W.P.(C)No.11108of 2015 -:3:- 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.

5. Following the binding precedents, this writ petition is also disposed of directing 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. W.P.(C)No.11108of 2015 -:4:- 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. The writ petition is allowed. No costs. K. Vinod Chandran, Judge. sl.

