



NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

Writ Petition (S) No. 1680 of 2023

- Anil Prakash Sharma S/o Kapil Nath Sharma Aged About 68 Years
R/o House No. 1124, Devendra Nagar, Phase- 01, Ward No. 42,
Chantidih Bilaspur, District Bilaspur Chhattisgarh.

-----Petitioner

VERSUS

1. Employees Provident Fund Organization, through Commissioner,
Regional Office, Block - D, Scheme - 32, Indira Gandhi Commercial
Complex, Pandri, Raipur, District Raipur Chhattisgarh
2. Zila Sahkari Kendriya Bank Maryadit Bilaspur through Chief
Executive Officer, Bilaspur District Bilaspur Chhattisgarh

-----Respondents

(cause title is taken from Case Information System)

For Petitioner	: Mr. Basant Kaiwartya, Advocate
For Respondent No. 1	: Mr. Sunil Pillai, Advocate
For Respondent No. 2	: Mr. Vishal Sahu, Adv. on behalf of Mr. Jitendra Shrivastava, Advocate

Single Bench: Hon'ble Shri Parth Prateem Sahu, Judge

ORDER

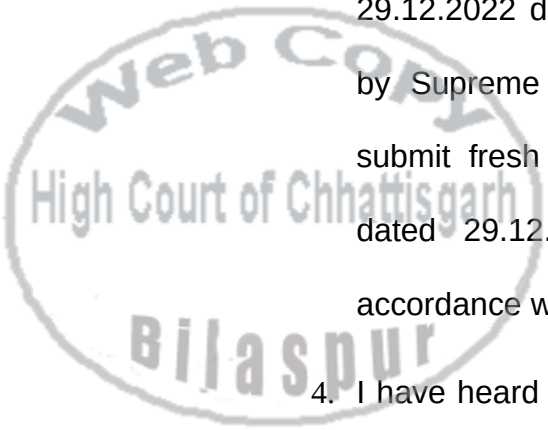
02/03/2023

1. Challenge in this writ petition is to the letter/order dated 25.02.2022
(Annexure P-1) by which amount of pension which petitioner was
receiving prior to date of issuance of Annexure P/1 is reduced from
₹ 9,206/- to ₹ 2,244/- per month.
2. Learned counsel for petitioner submits that this Court in WPS
No.2358/2022 filed by similarly situated retired employees, set aside
Annexure P-1 and directed to take further steps for payment of
amount of pension to petitioner therein, after decision of Review
Petition by Hon'ble Supreme Court for granting fair and reasonable
opportunity of hearing to petitioner. He contended that petitioner is
also entitled for similar relief.
3. Learned counsel for Respondent No.1 submits that the issue with
regard to the amendment and modification made by Central



Government to the Employees Pension Scheme 1995, pursuant to Section 6A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, came to be decided *vide* order dated 04.11.2022 and Respondent No.1 will take appropriate decision with regard to claim of petitioner in accordance with observation made by Hon'ble Supreme Court in aforementioned decisions in Special Leave Petition No.8658-8659 of 2019 (*The Employees Provident Fund Organization & Anr vs. Sunil Kumar B. & Ors and other connected matters*). Pursuant to order passed by Hon'ble Supreme Court, Respondent No.1 has also issued letter addressing all Additional Central Government Provident Fund Commissioners, Zonal Office and Regional Provident Fund Commissioner on 29.12.2022 directing for immediate implementation of order passed by Supreme Court. He further submits petitioner be directed to submit fresh claim before respondent-authority in light of circular dated 29.12.2022 and it will be considered and decided in accordance with law at the earliest.

4. I have heard learned counsel for the respective parties and perused documents placed on record.
5. Perusal of Annexure P-1 would reflect that amended order for payment of pension is made pending decision in Special Leave Petition No.8658-8659 of 2019. As submitted by counsel for Respondent No.1, said Special Leave Petition was disposed of by Supreme Court issuing certain directions to the respondents.
6. When specific query put to counsel for petitioner whether petitioner has submitted any option, he submits that at this stage he is not in a position to make specific submission in this regard.
7. Perusal of order of Supreme Court would show that Supreme Court has extended the time for submission of option by the employees, for a period of four months from the date of orders. There was a





direction to Employees Provident Fund Organization to implement the directives within eight weeks. Order passed by Supreme Court is dated 04.11.2022.

8. Considering entire facts and circumstances of case, grounds raised in writ petition, submissions of counsel for the respective parties, writ petition is disposed of directing petitioner to submit fresh claim/application in light of circular dated 29.12.2022 before Respondent No.1 raising all grounds as raised in this writ petition. On making such claim, Respondent No.1 shall consider and decide the same in accordance with law, expeditiously, preferably within an outer limit of 'four weeks' from the date of receipt of copy of claim/application.

Certified copy as per rules.



Sd/-
(Parth Prateem Sahu)
Judge