



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2032 of 2023

- Kaushal Prasad Yadav S/o Basavan Ram Yadav Aged About 67 Years R/o Post Ganiyari, Takhatpur, District Bilaspur (C.G.)

---- Petitioner

Versus

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

---- Respondents

For Petitioner : Mr. Abhishek Banjare, Advocate

For Respondent No.1 : Mr. Anil S. Pandey, Advocate

For Respondent No. 2 : Mr. Jitendra Shrivastava, Advocate

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

23.03.2023

1. Learned counsel for petitioner submits that this Court in WPS No.2358/2022 filed by similarly situated retired employees, set aside order issued by the Employees Provident Fund Organisation 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.
2. Learned counsel for respondent No.1 submits that 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 (Employees Provident Fund Organization & Anr versus 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.

3. Heard learned counsel for the respective parties and perused documents placed on record.
4. 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.
5. 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.
6. Certified copy as per rules.

Sd-
(Narendra Kumar Vyas)
Judge