

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**MONDAY, THE FIFTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 6477 OF 2020

Between:

Veludandi Rajamouli, S/o Govindu, Retd. Senior Accountant, APFDC, Age 68 years R/o H.No. 2-7-499, Excise colony, Subedari, Hanamkonda, Warangal urban.

...PETITIONER

AND

1. The Regional Provident Fund Commissioner, Regional Office, Bhavishyanidhi Bhawan, 3-4-763, Barkatpura, Hyderabad.
2. The Regional Provident Fund Commissioner, Regional Office, H.No.24-7-205/15, 100 feet Darga Road, Kazipet, Warangal.
3. The Assistant Provident Fund Commissioner(Pension), Regional Office, H.No.24-7-205/15, 100 feet Darga Road, Kazipet, Warangal.

...RESPONDENTS

• Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in reducing petitioners pension from the erstwhile enhanced pension without issuing any notice and contrary to the Judgment of this Honble Court in W.P. No. 15337 of 2019 and batch dt. 24/9/2019 as wholly illegal, arbitrary, without jurisdiction, violative of Articles 14, 16 and 21 of the Constitution of India apart from being violative of principles of natural Justice and consequently declare that the petitioner is entitled for payment of higher pension without deductions.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to pay higher pension to the petitioner without any deductions.

Counsel for the Petitioner: SRI RAJESHWAR RAO GARIGE

Counsel for the Respondents: SRI G. VENKATESHVARLU (S C FOR EPFO)

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT
HYDERABAD**

HON'BLE MRS. JUSTICE SUREPALLI NANDA

WRIT PETITION No.6477 of 2020

Dated : 05.01.2026

Between

Veludandi Rajamouli, S/o. Govindu,
Retd., Senior Accountant, APFDC,
Age: 68 years, R/o. H.No.2-7499,
Excise Colony, Subedari, Hanamkonda,
Warangal urban.

.... Petitioner

AND

The Regional Provident fund Commissioner,
Regional Office, Bhavishyanidhi Bhawan,
3-4-763, Barkatpura, Hyderabad and 2 others

... Respondents

ORDER:

**Heard Sri Rajeshwar Rao Garige, learned counsel
appearing on behalf of petitioner and Sri G.
Venkateshvarlu, learned Standing Counsel for Employees'
Provident Fund Organization, appearing on behalf of
respondent Nos. 2 and 3.**

2. The petitioner approached the Court seeking prayer as under:

"...to issue a Writ, Order or Direction, more particularly one in the nature of Writ of *Mandamus*, declaring the action of the respondents in reducing petitioner's pension from the erstwhile enhanced pension without issuing any notice and contrary to the Judgment of this Honble Court in W.P. No. 15337 of 2019 and batch dt.24-9-2019 as wholly illegal, arbitrary, without jurisdiction, violative of Articles 14, 16 and 21 of the Constitution of India apart from being violative of principles of natural justice and consequently declare that the petitioner is entitled for payment of higher pension without deductions and pass..."

3. Sri G. Venkateshvarlu, learned Standing Counsel for Employees' Provident Fund Organization, appearing on behalf of respondent Nos. 2 and 3 through a Memo dated 24.12.2025 brings to the notice of this Court that in pursuance to the directions of the Apex Court reported in (2023) 12 Supreme Court Cases 701 in Employees Provident Fund Organisation and Another Vs. Sunil Kumar B. And Others, dated 04.11.2022 and in compliance to the specific directions issued in Para No.50 of the said Judgment, the petitioner had made an application claiming eligibility for pension on higher wages under EPS-95 through online portal of EPFO vide

acknowledgement number 230222212106000410330 and the said application of the petitioner had been considered in accordance to law and the request of the petitioner for higher wage pension submitted by the petitioner vide EPF Account No.APHYD00070820000000698 is rejected as the petitioner is not fulfilling the essential conditions required under law for entitlement of pension on higher wages.

4. Sri G. Venkateshvarlu, learned Standing Counsel for Employees' Provident Fund Organization, appearing on behalf of respondent Nos. 2 and 3 contends that the petitioner has to challenge the Procs. No.TS/RO/HYD-II (Madhapur)/Accounts/AG 03,(5)/POHW/2024, dated 09.08.2024 issued to the petitioner in pursuance to the application made by the petitioner in compliance to the directions of the Apex Court reported in **(2023) 12 Supreme Court Cases 701 in Employees Provident Fund Organisation and Another Vs. Sunil Kumar B. And Others, dated 04.11.2022.**

5. The learned counsel appearing on behalf of the petitioner however submits that the petitioner is not aware of the speaking orders issued. The learned

Standing Counsel appearing on behalf of the respondent Nos.2 and 3 however, disputes the same.

6. The Judgment of the Apex Court reported in (2023) 12 Supreme Court Cases 701 in Employees Provident Fund Organisation and Another Vs. Sunil Kumar B. And Others, dated 04.11.2022 in particular para No.50, 50.1 to 50.12 of the said Judgment are extracted hereunder ::

“50. We accordingly hold and direct:

50.1. The provisions contained in Notification No. GSR 609(E) dated 22-8-2014 are legal and valid. So far as present members of the fund are concerned, we have read down certain provisions of the Scheme as applicable in their cases and we shall give our findings and directions on these provisions in the subsequent sub-paragraphs.

50.2. Amendment to the Pension Scheme brought about by Notification No. GSR 609(E) dated 22-8-2014 shall apply to the employees of the exempted establishments in the same manner as the employees of the regular establishments. Transfer of funds from the exempted establishments shall be in the manner as we have already directed.

50.3. The employees who had exercised option under the proviso to Para 11(3) of the 1995 Scheme and continued to be in service as on 1-9-2014, will be guided by the amended provisions of Para 11(4) of the Pension Scheme.

50.4. The members of the Scheme, who did not exercise option, as contemplated in the proviso to Para 11(3) of the Pension Scheme (as it was before the 2014 Amendment) would be entitled to exercise option under Para 11(4) of the post amendment Scheme. Their right to exercise option before 1-9-2014 stands crystallised in the judgment of this Court in *R.C. Gupta [R.C. Gupta v. EPFO, (2018) 14 SCC 809 : (2018) 2 SCC (L&S) 745]*. The Scheme as it stood before 1-9-2014 did not provide for any cut-off date and thus those members shall be entitled to exercise option in terms of Para 11(4) of the Scheme, as it stands at present. Their exercise of option shall be in the nature of joint

options covering pre-amended Para 11(3) as also the amended Para 11(4) of the Pension Scheme.

50.5. There was uncertainty as regards validity of the post amendment Scheme, which was quashed by the aforesaid judgments of the three High Courts. Thus, all the employees who did not exercise option but were entitled to do so but could not due to the interpretation on cut-off date by the authorities, ought to be given a further chance to exercise their option. Time to exercise option under Para 11(4) of the Scheme, under these circumstances, shall stand extended by a further period of four months. We are giving this direction in exercise of our jurisdiction under Article 142 of the Constitution of India.

50.6. Rest of the requirements as per the amended provision shall be complied with.

50.7. The employees who had retired prior to 1-9-2014 without exercising any option under Para 11(3) of the pre-amendment Scheme have already exited from the membership thereof. They would not be entitled to the benefit of this judgment.

50.8. The employees who have retired before 1-9-2014 upon exercising option under Para 11(3) of the 1995 Scheme shall be covered by the provisions of Para 11(3) of the Pension Scheme as it stood prior to the amendment of 2014.

50.9. The requirement of the members to contribute @ 1.16% of their salary to the extent such salary exceeds Rs 15,000 per month as an additional contribution under the amended Scheme is held to be ultra vires the provisions of the 1952 Act. But for the reasons already explained above, we suspend operation of this part of our order for a period of six months. We do so to enable the authorities to make adjustments in the Scheme so that the additional contribution can be generated from some other legitimate source within the scope of the Act, which could include enhancing the rate of contribution of the employers. We are not speculating on what steps the authorities will take as it would be for the legislature or the framers of the Scheme to make necessary amendment. For the aforesaid period of six months or till such time any amendment is made, whichever is earlier, the employees' contribution shall be as stopgap measure. The said sum shall be adjustable on the basis of alteration to the Scheme that may be made.

50.10. We do not find any flaw in altering the basis for computation of pensionable salary.

50.11. We agree with the view taken by the Division Bench in *R.C. Gupta* [*R.C. Gupta v. EPFO*, (2018) 14 SCC 809 : (2018) 2 SCC (L&S) 745] so far as interpretation of the proviso to Para 11(3) (pre-amendment) Pension

Scheme is concerned. The fund authorities shall implement the directives contained in the said judgment within a period of eight weeks, subject to our directions contained earlier in this paragraph.

50.12. Contempt Petitions (C) Nos. 1917-18 of 2018 and Contempt Petitions (C) Nos. 619-20 of 2019 in Civil Appeals Nos. 10013-14 of 2016 are disposed of in the above terms".

7. Taking into consideration :

(a) The aforesaid facts and circumstances of the case,

(b) The Judgment of the Apex Court reported in (2013) 12 Supreme Court Cases 701 in Employees Provident Fund Organisation and Another Vs Sunil Kumar B. And Others, dated 04.11.2022 and the specific directions issued in para No.50 of the said Judgment (referred to and extracted above),

(c) The application made by the petitioner *vide* acknowledgement number 230222212106000410330 as per the directions of the Apex Court reported in (2023) 12 Supreme Court Cases 701 in Employees Provident Fund Organisation and Another Vs. Sunil Kumar B. And Others, dated 04.11.2022 arising out of SLPs (C) Nos. 8658-59 of 2019 and the contents of the speaking order dated 09.08.2024 issued by the respondent No.1 issued to the petitioner in accordance to law, as per the directions of

the Apex Court dated 04.11.2022 passed in SLPs (C) Nos. 8658-59 of 2019,

The writ petition is disposed of giving liberty to the petitioner to challenge the speaking order vide No. TS/RO/HYD-II (Madhapur)/Accounts/AG 03 (5)/POHW/2024, dated 09.08.2024 issued by the 1st respondent in response to the application filed by the petitioner claiming eligibility for pension on higher wages under EPS-95 through online portal of EPFO vide acknowledgement number 230222212106000410330. The petitioner is permitted to put forth all the legal pleas as are available to the petitioner in pursuing the legal remedies as are available to the petitioner in challenging the speaking order dated 09.08.2024 issued by the 1st respondent herein. There shall be no order as to costs.

As a sequel, the miscellaneous petitions, if any pending, in the Writ Petition shall also stand closed.

Sd/-M.NAGAMANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Regional Provident Fund Commissioner, Regional Office, Bhavishyanidhi Bhawan, 3-4-763, Barkatpura, Hyderabad.
2. The Regional Provident Fund Commissioner, Regional Office, H.No.24-7-205/15, 100 feet Darga Road, Kazipet, Warangal.
3. The Assistant Provident Fund Commissioner(Pension), Regional Office, H.No.24-7-205/15, 100 feet Darga Road, Kazipet, Warangal.
4. One CC to SRI RAJESHWAR RAO GARIGE, Advocate [OPUC]
5. One CC to SRI G. VENKATESHVARLU (SC FOR EPFO) [OPUC]
6. Two CD Copies
BN

PMK

CC TODAY

HIGH COURT

DATED:05/01/2026

ORDER

WP.No.6477 of 2020



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

⑧ MT
21/1/26