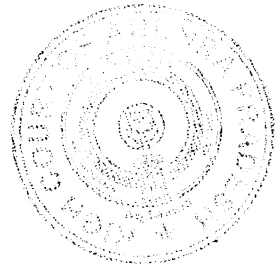


**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

WEDNESDAY, THE NINTH DAY OF DECEMBER,
TWO THOUSAND AND TWENTY

:PRESENT:

**THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO
WRIT PETITION NO: 23339 OF 2020**



Between:

D.Venkateswara Rao, S/o.Subbarao, Aged about 63 years, R/o H.No.10-4-57, Flat No.301, 3rd Floor, Satyakrishna Towers, Besides Gayatri Vidya Parishat (Kalyana Mantapam), Seshagiri Rao Street, Ramarao Pet, Kakinada, East-Godavari District. A.P-533003

...Petitioner

AND

1. Employees Provident Fund Organisation, Bhavishya Nidhi Bhawan, 14, Bhikaji Cama Place, New Delhi- 110 066, Rep. by its Commissioner.
2. Regional Commissioner (EPF), Employees Provident Fund Organisation, Regional Office, Adjacent Street to LIC Office, Near Marampudi Junction, Opp.Rythu Bazaar, Rajahmundry - 533 107.
3. Assistant Provident Fund Commissioner (Pension), Regional Office, Adjacent Street to LIC Office, Near Marampudi Junction, Opp.Rythu Bazaar, Rajahmundry- 533 107

...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 3rd Respondent in issuing Proceedings vide No.AP /RO/RJY/ GR /RJY /55381 /HIGHER WAGES /2020 /1961 dt.05.03.2020 and subsequent proceedings vide No.AP/RO/RJY/PDS/EXCESS PENSION RECOVERY/57947/2020 /972 dt.06.07.2020 as wholly illegal, arbitrary, contrary to the provisions of Employees Pension Scheme, 1995, violative of Articles 14, 16 and 21 of the Constitution of India, besides being violative of Principles of Natural Justice and consequently declare that the Petitioner herein is entitled for payment of Higher Pension by the Respondent Authorities as per his contribution on the Gross Salary without any 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 suspend the impugned letter vide No.AP /RO /RJY /PDS /EXCESS PENSION RECOVERY/ 57947/ 2020/ 972 dt.06.07.2020 issued by the 3rd Respondent, pending disposal of WP 23339 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Challa Gunaranjan, Advocate for the Petitioner and Sri T.Balaji Standing Counsel for the Respondents, the Court made the following.

ORDER:

"It is submitted by Sri T.Balaji, learned standing counsel for EPFO, that issues raised in the present writ petition are the subject matter of litigation before the Hon'ble Supreme Court. He further submits that the respondents have filed a review petition in one of the cases.

In view of the directions of this court in similar writ petitions in W.P.No.10661 of 2020, W.P.No.9405 of 2020, W.P.No.17695 of 2020 and W.P.No.18034 of 2020, there shall be interim direction as prayed for, subject to outcome of the

order of the Hon'ble Supreme Court in review application and as well as contempt petition No.1917 of 2018 in Civil Appeal Nos.10013-10014 of 2016 and other connected writ petitions pending before the Hon'ble Supreme Court of India in W.P.No.118 of 2018 and batch.

Sri T.Balaji, learned standing counsel seeks time for filing counter.

Since, similar matters are also pending before this court, list this case along with W.P.No.9405 of 2020 and batch."

//TRUE COPY//

Sd/-K.JaganMohan
DEPUTY REGISTRAR
(B)
SECTION OFFICER

To,

1. The Commissioner, Employees Provident Fund Organisation, Bhavishya Nidhi Bhawan, 14, Bhikaji Cama Place, New Delhi- 110 066.
2. The Regional Commissioner (EPF), Employees Provident Fund Organisation, Regional Office, Adjacent Street to LIC Office, Near Marampudi Junction, Opp.Rythu Bazaar, Rajahmundry - 533 107.
3. The Assistant Provident Fund Commissioner (Pension), Regional Office, Adjacent Street to LIC Office, Near Marampudi Junction, Opp.Rythu Bazaar, Rajahmundry- 533 107 (Addresses 1 to 3 by RPAD)
4. One CC to Sri. Challa Gunaranjan, Advocate [OPUC]
5. One CC to Sri. T.Balaji, Standing Counsel [OUT]
6. One spare copy

MM

HIGH COURT

RRR,J

DATED:09/12/2020

NOTE: LIST THIS CASE ALONG WITH W.P.No.9405 OF 2020 AND BATCH

ORDER

WP.No.23339 of 2020

INTERIM DIRECTION

