

IN THE HIGH COURT OF KARNATAKA

CIRCUIT BENCH AT GULBARGA

DATED THIS THE 02ND DAY OF JANUARY 2013

BEFORE

THE HON'BLE MR.JUSTICE S. ABDUL NAZEER

WRIT PETITION NO.80633/2011 (L-PF)

Between:

N.Virupakshappa,
S/o Basavarajappa,
Age: 66 years,
Occ; Retd. Employee of
RDCC Bank, Raichur,
R/o Venkateshwar Colony,
Nijalingappa Colony,
Raichur.

.... Petitioner

(By Sri M.M. Patil, & S.M.Patil, Advs.)

And:

- 1 The Employees Provident Fund
Organization (Ministry of Labour),
Government of India,
Reptd. by its Commissioner,
Bhavishya Nidhi Bhavan,
No.14, Bikaji Cama Palace,
New Delhi – 110 066.
- 2 The Regional Provident Fund

Commissioner, Gulbarga, Aland Road,
Gulbarga – 585 105.

- 3 The Asst. Provident Fund Commissioner (Pension),
Sub-Regional Office,
Saath Kacheri, Raichur,
Raichur- 583 103.

.... Respondents.

(By Sri R.S. Patil, Adv. for R1 to R3)
(VK not filed)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to direct the respondents to refix the pension of the petitioner as per paragraph 12(4) of Employee Pension Scheme 1995, at the rate of Rs.2,464/-.

This Writ Petition coming on for Preliminary Hearing this day, the Court passed the following:

ORDER

Learned Counsel for the parties submits that the point in issue is covered by the decisions of this Court in W.P.No.40824/2008 disposed of on 2.7.2009 (*between* **SUBHAS AND OTHERS VS. THE ASSISTANT PROVIDENT FUND COMMISSIONER (PENSION), GULBARGA**) and also the decision in W.P.Nos.83353 to 83357/2009 disposed of on 16.12.2009 (*between*

**O.G.AKKONI AND OTHERS VS. THE ASSISTANT
PROVIDENT FUND COMMISSIONER (PENSION),
GULBARGA.**

2. The submission of the learned Counsel for the parties is placed on record. The third respondent is directed to consider the case of the petitioner for re-fixation of the pension in accordance with the aforesaid decisions within a period of three months from the date of receipt of a copy of this order. Writ petition is accordingly disposed of. No costs.

**Sd/-
JUDGE.**

MSR/-