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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 6957/2023

SHRI PAN SINGH RAWAT Petitioner

Through: Ms.Manpreet Kaur with Ms.Suman N
Rawat, Advs.

versus

UNION OF INDIA & ORS Respondents

Through: Mr. Siddharth, S.C. EPFO with Mr.
Amit Kr. Agrawal, Adv.

+ W.P.(C) 7094/2023

VIJAY KUMAR ARYA Petitioner

Through: Mr. Kushank Sindhu, Mr. Abhishek
K. Singh, Ms. Apali Kaushal, Mr.
Anmol Singh, Advs.

versus

UNION OF INDIA & ORS Respondents

Through: Mr. Siddharth, S.C. EPFO with Mr.
Amit Kr. Agrawal, Adv.

+ W.P.(C) 7138/2023

ANIL CHANDRA SHARMA Petitioner

Through: Mr. Kushank Sindhu, Mr. Abhishek
K. Singh, Ms. Apali Kaushal, Mr.
Anmol Singh, Advs.

versus

UNION OF INDIA & ORS Respondents

Through: Mr. Siddharth, S.C. EPFO with Mr.
Amit Kr. Agrawal, Adv.

+ W.P.(C) 7139/2023

RAJESHWARI SINGH Petitioner

Through: Mr. Kushank Sindhu, Mr. Abhishek
K. Singh, Ms. Apali Kaushal, Mr.
Anmol Singh, Advs.

versus

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By: GARIMA MADAN
Signing Date: 26.05.2023
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UNION OF INDIA & ORS Respondents
Through: Mr. Shubham Mahajan, Adv. for R-1.
Mr. Siddharth, S.C. EPFO with Mr.
Amit Kr. Agrawal, Adv.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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25.05.2023

CM APPL. 27609/2023 & CM APPL. 27610/2023 in W.P.(C) 7094/2023
CM APPL. 27809/2023 & CM APPL. 27810/2023 in W.P.(C) 7138/2023
CM APPL. 27812/2023 & CM APPL. 27813/2023 in W.P.(C) 7139/2023

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

W.P.(C) 6957/2023 & CM APPL. 27111/2023 (stay)
W.P.(C) 7094/2023 & CM APPL. 27608/2023 (stay)
W.P.(C) 7138/2023 & CM APPL. 27808/2023 (stay)
W.P.(C) 7139/2023 & CM APPL. 27811/2023 (stay)

3. The petitioners/employees who after their superannuation from different organizations have been drawing higher pension beyond the ceiling limit, based on the options sought by the respondent in the year 2018/19, have approached this Court seeking quashing of the communication dated 20.02.2023, issued by the respondent to all the Regional Provident Fund Commissioners for taking actions to stop the higher pension of all those persons who had superannuated prior to 01.09.2014 without giving any option for higher pension before their superannuation. The petitioners have also assailed the order dated 01.05.23 vide which they have been directed to refund the differential amount received by them towards pension beyond the ceiling limit for the last many years, on the basis of the options for higher pension

given by them in 2018/19.

4. Learned counsel for the petitioners submit that once the respondents had themselves given an option to the petitioners to opt for higher pension, which option they duly exercised and were consequently all along drawing higher pension based on the option exercised by them in the year 2018-19, the respondents could not have by misinterpreting the decision of the Apex Court in SLP(C) No. 8658-8659 dated 04.11.2022 in *The Employees Provident Fund Organisation & Anr. Etc. vs Sunil Kumar B. & Ors. Etc* . reopened their cases without appreciating the fact that their rights already stood crystallized and they were drawing higher pension for the last many years. They further submit that similar petitions have already been preferred before various High Courts including Kerala High Court, Punjab and Haryana High Court, as also Himachal Pradesh High Court, wherein vide interim orders, the respondents have been directed to maintain status quo as existing on 01.01.2023.
5. Issue notice. Mr. Shubham Mahajan and Mr. Siddharth accepts notice on behalf of respondents. While praying for six weeks' time to file counter affidavit, they do not deny that interim orders directing the respondents to maintain status quo as existing on 01.01.2023, have been passed by the Kerala High Court, Punjab and Haryana High Court, as also by the Himachal Pradesh High Court.
6. Accordingly, while granting six weeks' time to the respondents for filing counter affidavit and four weeks' time for filing rejoinder thereto, it is for reasons of parity with the orders passed by the aforesaid three High Courts, the respondents are directed to maintain

status quo qua the pension being received by the petitioners, as on 01.01.2023. Consequently, till the next date, the respondents will stand restrained from taking any coercive steps in furtherance to the impugned notices issued to the petitioners seeking to make recoveries of the differential amount on account of the higher pension which they have received for the last many years.

7. Needless to state, these interim directions will be subject to any clarification by the Apex Court of its decision in *Sunil Kumar B. (Supra)*.
8. List on 21.09.2023.

MAY 25, 2023/al

REKHA PALLI, J



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Signing Date: 26.05.2023
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