

# Ajay Chandra vs Employees Provident Fund Organization ... on 2 March, 2020

**Author: Rekha Palli**

**Bench: Rekha Palli**

\$~1 to 23

\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ W.P.(C) 6526/2017 with W.P.(C)Nos.8927/2018, 3730/2018, 4139/2018, 13758/2018, 2669/2019, 3645/2019, 4807/2019, 8312/2017  
AJAY CHANDRA .....Petitioner  
Through Mr.Rajesh Gupta, Mr. Harpreet Singh, Mr. Ajay Chandra, Mr. Pranjal Sharma  
Adv.

versus

EMPLOYEES PROVIDENT FUND ORGANIZATION (EPFO) & ORS. .... Respondent  
Through Ms.Kanika Agnihotri and Mr.Arjun, Adv for R-3.  
Mr. Ashim Vachher, Adv. and  
Mr.Vaibhav Dabas, Adv. for R4.  
Mr.Sanjay K Shandilya, Mr. Apoorva Aggarwal, Mr. Abhishek and Mr. Hemant Sharma, Adv. for EPFO.  
Ms. Arti Bansal, Adv. for UOI.  
Mr. R.K. Kapoor and Ms. Priya Pande, Adv.

(2)

+ W.P.(C) 8312/2017 with W.P(C)8937/2017, 8989/2017  
SHADEY LAL RAINA & ORS .....Petitioner  
Through Mr.A.K.Rudra with Mr.Vishwesh  
Adv.

Versus

EMPLOYEES PROVIDENT FUND ORGANISATIONS & ORS  
.....Respondent  
Through Mr.Sanjay K Shandilya, Mr. Apoorva Aggarwal, Mr. Abhishek and Mr. Hemant Sharma

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Advs. for EPFO.

(3)

+ W.P.(C) 13758/2018

DEEPAK KANT AND ORS.

.....Petit

Through Mr.Amit Seth, Mr. Deep Narain  
Ms. Karnika Seth, Advs.

Versus

EMPLOYEES' PROVIDENT FUND ORGANIZATION AND ORS.

.....Responde

Through Mr.Keshav Mohan Mr. Piyush Vatsa,  
Advs.for EPFO.  
Mr. R.K. Kapoor and Ms. Priya Pande, Advs.

(4)

+ W.P.(C) 3730/2018

RADHAKRISHNAN NAGARAJAN AND ORS .....Petitioners

Through Mr.Rajesh Gupta, Mr. Harpreet  
Singh, Mr. Ajay Chandra, Mr. Pranjal Shara  
Advs.

Versus

EMPLOYEES PROVIDENT FUND ORGANISATION AND ORS.

.....Respondents

Through Mr. Bhagvan Swarup Shukla, CGSC  
with Mr. Gokul Sharma and Mr.  
Sharvan Kumar, Advs.,  
Mr.Sanjay K Shandilya, Mr. Apoorva  
Aggarwal, Mr. Abhishek and  
Mr.Hemant Sharma, Advs. for EPFO.  
Mr. Utsav Jain, Adv. for R4 & R5.

(5)

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+ W.P.(C) 4139/2018

ALL INDIA ONGC EX-EMPLOYEES WELFARE ASSOCIATION

.....Petitione

Through Mr.C.M. Sundaram Iyer, Adv.  
versus

UNION OF INDIA AND ORS.

.....Respondent

Through Mr.Vikram Jetly, CGSC for R-1.

Mr.Jeemon Raju K with Mr.Avinash Singh, Advs for-3 & 4.

Mr.Sanjay K Shandilya, Mr. Apoorva Aggarwal, Mr. Abhishek and

Mr.Hemant Sharma, Advs. for EPFO.

Mr.Keshav Mohan Mr. Piyush Vatsa, Advs.for EPFO.

(6)

+ W.P.(C) 5302/2018

PDIL PENSIONERS WELFARE ASSOCIATION THROUGH ITS PRESIDENT

.....Petitio

Through Mr.Rajesh Gupta, Mr. Harpreet Singh, Mr. Ajay Chandra, Mr. Pranjal Shara Adv.

Versus

EMPLOYEES PROVIDENT FUND ORGANISATION AND ORS.

.....Respondent

Through Mr. Jitesh Vikram Srivastava with Mr.R.M.Tripathi, Advs for UOI.

Mr.Syed Zafarullah Hussain, Adv fo R-4 & 5.

Mr.Sanjay K Shandilya, Mr. Apoorva Aggarwal, Mr. Abhishek and

Mr.Hemant Sharma, Advs. for EPFO.

Mr. Santosh Kumar Pandey, Adv.

(7)

+ W.P.(C) 8927/2018

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U.P. SCIDCO RETIRED EMPLOYEE SAMITI

....Petiti

Through Mr.Rajesh Gupta, Mr. Harpreet

Singh, Mr. Ajay Chandra, Mr. Pranjal Sharan Adv.

versus

EMPLOYEES PROVIDENT FUND ORGANIZATION (EPFO) & ORS

.....Respondent

Through Through Mr.Keshav Mohan Mr. Piyush Vatsa, Advs.for EPFO.

(8)

+ W.P.(C) 2669/2019  
TCIL RETIRED EMPLOYEES ASSOCIATION .....Petitioner  
Through Mr. Niklesh Krishnan, Adv.

versus

EMPLOYEES PROVIDENT FUND ORGANISATION AND ORS.

.....Respondents

Through Mr.Keshav Mohan Mr. Piyush Vatsa,  
Adv.s.for EPFO.

(9)

+ W.P.(C) 4807/2019 with W.P(C)9162/2019, 563/2019, 3142/2019  
3179/2019

KARAN SINGH GARBYAL .....Petitioner

Through Mr.Ajai Prakash Srivastava, Adv.  
person.

Versus

EMPLOYEE PROVIDENT FUND ORGANISATION AND ORS.

.....Respondents

Through Ms. Avnish Ahlawat with Mr. N.K.  
Singh, Mr. Himank Ahuja, Adv. for  
R2.

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Mr.Adarsh Tripathi, Mr. Anish  
and Mr. Nikhil Kandpal, Adv.s.  
R-3.

Mr. Ashim Vachher, Adv. and  
Mr.Vaibhav Dabas, Adv. for R4.  
Mr.Keshav Mohan Mr. Piyush Vatsa  
Adv.s.for EPFO.  
Mr. Puneet Garg, Adv.

(10)

+ W.P.(C) 8937/2017  
DINESH MOHAN SHARMA .....Petitioner

Through: Mr. Sanjay Das, Adv.

versus

UNION OF INDIA & ORS

.....Respondents

Through Mr.Vivek Goyal, CGSC for R-1.  
Mr.Keshav Mohan Mr. Piyush Vatsa, Adv.s.for  
EPFO.

(11)

+ W.P.(C) 8989/2017  
NARESH KUMAR SHARMA & ORS ..... Petition  
Through : Mr. H.D. Thanvi, Mr. Shrey Yadav  
and Mr. Shrey Yadav and Ms. Achal Singh Bu  
Advs.

versus

UNION OF INDIA & ORS .....Responde  
Through Mr. Sanjeev Uniyal, Adv. with Mr.  
Dhawal Uniyal, Adv. for R1 with Mr. Santosh  
Pandey, GP.  
Ms.Ashin Kochher, Adv for R-3.  
Mr.Abhik, Adv. for EPFO.  
Mr. Ashim Vachher, Adv. and Mr.Vaibhav Dabas  
Adv. for R4.  
Mr.Gulshan Chawla, Adv. for R-5.  
Mr.Akshay Chandra, Adv for R-4 & 7.

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(12)

+ W.P.(C) 8623/2017  
SABYASACHI BANNERJEE .....Petition  
Through Mr.Rabin Majumder, Adv with  
Ms.Akansha Srivastava, Adv.

versus

EMPLOYMENT PROVIDENT FUND ORGANIZATION & ORS  
.....Responde  
Through Mr.Keshav Mohan Mr. Piyush Vats  
Advs.for EPFO.

(13)

+ W.P.(C) 9650/2017  
JAI PRAKASH SRIVASTAVA & ORS .....Petition  
Through Mr.Ajai Prakash Srivastava, Adv.

Versus

UNION OF INDIA & ORS .....Resp  
Through Mr. Puneet Tanya and Ms. La  
Kumari, Adv. for R3.  
Mr. Ashim Vachher, Adv. and  
Mr.Vaibhav Dabas, Adv. for  
Mr. Mala Narayan and Mr.Sha

Goel, Advs. for R-5 & 6.  
Mr.Puneet Taneja, Adv for N  
Mr.Keshav Mohan Mr. Piyush  
Advs.for EPFO.

(14)

+ W.P.(C) 11400/2017 & C.M. No. 2711/2020  
UDAI SINGH SISODIA AND ORS. ....Petitioners  
Through Mr. Anoop Prakash Awasthi, Adv.

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Versus

EMPLOYEE PROVIDENT FUND ORGINISATION (EPFO) AND  
ORS. ....Respondents  
Through Mr. Ashim, Adv.for R3.  
Mr. Ashim Vachher, Adv. and  
Mr.Vaibhav Dabas, Adv. for R4.  
Mr.Gaurang Kanth, Adv for UOI.  
Mr.Keshav Mohan Mr. Piyush Vatsa,  
Advs.for EPFO.

(15)

+ W.P.(C) 10564/2017  
BRIJENDRA KUMAR SINHA .....Petitioner  
Through Mr.Ajai Prakash Srivastava, Adv.

Versus

UNION OF INDIA AND ORS. .... Respondents  
Through Mr. Ashim Vachher, Adv. and  
Mr.Vaibhav Dabas, Adv. for R4.  
Mr.Gaurav Malik, Adv for R-3.  
Mr.Keshav Mohan Mr. Piyush Vatsa,  
Advs.for EPFO.

(16)

+ W.P.(C) 10985/2017  
CHANDURI SURYA SUBRAHMANYA SARMA AND ORS  
.....Petitio  
Through Mr.Rajesh Gupta, Mr. Harpreet  
Singh,Mr. Ajay Chandra, Mr. Pranjal Sharan  
Advs.

Versus

EMPLOYEES PROVIDENT FUND ORGANISATION AND ORS

.....Respondents

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Through Mr.Sarfaraz Ahmad, Adv for R2.  
Mr.Keshav Mohan Mr. Piyush Vatsa, Adv.s.fo  
EPFO.

(17)

+ W.P.(C) 1089/2018  
ASSOCIATION OF PETROLEUM PENSIONERS .....Petitioner  
Through Mr.C.M.Sundaram Iyer, Adv.  
versus  
UNION OF INDIA & ORS .....Respondents  
Through Mr. Vivekanand Mishra, Senior Pane  
Counsel for R1.  
Ms.Priyanka Das and Mr. Sumit  
Upadhyay Adv for R-3 & 4.  
Mr.Keshav Mohan Mr. Piyush Vatsa,  
Adv.s.for EPFO.

(18)

+ W.P.(C) 1268/2018  
ALOK SINHA AND ORS. ....Petitio  
Through Mr.Amit Seth, Mr. Deep Narain  
Ms. Karnika Seth, Adv.s.

Versus

EMPLOYEES PROVIDENT FUND ORGANIZATION AND ORS.

.....Respondents

Through Mr. R.K. Kapoor and Ms. Priya  
Pande, Adv.s.  
Mr.Satpal Singh, Adv.

(19)

+ W.P.(C) 1298/2018  
RITA GOYAL AND ORS. ....Petitio  
Through Mr.Amit Seth, Mr. Deep Narain  
Ms. Karnika Seth, Adv.s.

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Versus

EMPLOYEES PROVIDENT FUND ORGANIZATION AND ORS.

.....Respondents

Through Mr.Satpal Singh, Adv.

(20)

+ W.P.(C) 11896/2018

RATIKANTA SAMANTA RAY

..... Petitioner

Through: Mr. Ajay Prakash Srivastava, Adv.

versus

EMPLOYEE PROVIDENT FUND ORGANISATION AND ORS.

..... Respondents

Through: Mr.Keshav Mohan Mr. Piyush Vatsa,  
Advs.for EPFO.

Mr.Adarsh Tripathi, Mr. Anish Gupta and Mr.  
Nikhil Kandpal, Advs. for R-3.

Mr. Ashim Vachher, Adv. and Mr.Vaibhav Dabas,  
Adv. for R4.

(21)

+ W.P.(C) 7095/2019

PRADIP RAMKRISHNARAO DAHAKE

.....Petitioner

Through Mr.Ajai Prakash Srivastava, Adv.

Versus

EMPLOYEE PROVIDENT FUND ORGANISATION AND ORS.

.....Respondents

Through Mr.Sanjay Rawat, Adv for R-3.

Mr.Keshav Mohan Mr. Piyush Vatsa,  
Advs.for EPFO.

Mr. Ashim Vachher, Adv. and  
Mr.Vaibhav Dabas, Adv. for R4.

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(22)

+ W.P.(C) 10735/2019 & CM No.44391/2019

ALL INDIA NHPC WORKERS AND EMPLOYEES FEDERATION



.....Petitioner  
Through: Ms.Priya Aristotle, Adv.  
versus  
UNION OF INDIA AND ORS. ....Respondent  
Through Mr.Ruchir Mishra, Mr. Mukesh Kr.  
Tiwari and Mr. Rishesh Manu  
Tripathi, Advs.  
Mr.Sanjay K Shandilya, Mr. Apoor  
Aggarwal, Mr. Abhishek and Mr.  
Hemant Sharma, Advs. for EPFO  
Mr.Amit Tyagi and Ms. Amal Merin  
Kurian, Advs. R-3 & 4.  
Mr.Keshav Mohan Mr. Piyush Vatsa  
Advs.for EPFO.  
Mr.Ruchir Mishra &  
Mr.Vivekanand Mishra, Advs for  
UOI.  
(23)

+ W.P.(C) 11139/2019  
RAKESH KUMAR KHANNA .....Petitioner  
Through Mr. S.k. Gupta, Adv.  
versus  
REGIONAL PROVIDENT FUND COMMISSIONER & ANR  
.....Respondent  
Through Mr.Keshav Mohan Mr. Piyush Vatsa,  
Advs.for EPFO.

CORAM:  
HON'BLE MS. JUSTICE REKHA PALLI

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ORDER

% 02.03.2020

1. Mr. Mohan has made part submissions on behalf of respondent- EPFO. One of the primary contentions raised by Mr. Mohan is that even the employer i.e. NTPC Limited did not make contributions to the provident fund on the petitioner's actual salary and therefore, no adjustment of the same could be made with the amount which was required to be remitted to the pension fund for claim of pension on the actual salary.

2. In view of this stand taken by Mr. Mohan, before further arguments are heard, the NTPC Limited in W.P.(C) 6526/2017 and all employers in the connected petitions are granted 10 days time to file affidavits clearly stating as to whether the employee as also the employer had in fact made contributions to the provident fund on the basis of the actual salary.

3. At request, list on 20.03.2020 at 2.15 pm. REKHA PALLI, J.

MARCH 02, 2020 'sdp'