



CGHC010203232026

2026:CGHC:30537-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 598 of 2026

Dilip Kumar Khandwe S/o Late S.G. Khandwe Aged About 70 Years R/o B-6, Harikishan Kunj, Vasant Corner, Avanti Vihar Telibandha Raipur District- Raipur (C.G.)

... Appellant

versus

1 - Employees Provident Fund Organization Through - Commissioner Regional Office, Block-D. Scheme-32, Indira Gandhi Commercial Complex Pandri Raipur, District- Raipur (C.G.)

2 - Chhattisgarh State Of Co- Operative Dairy Federation Through Its Managing Director Urla Post- B M Y Charouda District- Durg (C.G.)

3 - Additional Central Provident Fund Commissioner (M P C G) Employees Provident Fund Organisation Zonal Office - Bhavishya Nidhi Bhawan 59 Arera Hill Bhopal District- Bhopal (M.P.)

... Respondents

(Cause-title taken from Case Information System)

For Appellant	: Mr. Basant Kaiwartya, Advocate
For Respondents	: Mr. Sunil Pillai, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

20.07.2026

1. Heard Mr. Basant Kaiwartya, learned counsel for the appellant as well as Mr. Sunil Pillai, learned counsel appearing for the respondents.



2. The appellant has filed this writ appeal against the order dated 15.04.2026 passed by the learned Single Judge in WPS No.8009/2024 and other connected matters, by which the learned Single Judge has dismissed the writ petition filed by the appellant/ writ petitioner.
3. Learned counsel appearing for the parties submit that the issue involved in this writ appeal has already been considered and decided by this Court vide judgment dated **23.06.2026** passed in **WA No.516/2026 (R.K. Chalisgaonkar vs. Employees Provident Fund Organization & Others)**, wherein this Court held as under:-

“9. From perusal of the impugned order, it is evident that the learned Single Judge held that in terms of the Explanation appended to Paragraph 2(ix) of the Employees’ Pension Scheme, 1995, an employee ceases to be a member of the Pension Fund upon attaining the age of 58 years or upon vesting of admissible benefits under the Scheme, whichever occurs earlier. The learned Single Judge further held that the amendment introduced with effect from 01.09.2014, including the deletion of the proviso to Paragraph 11(3), was intended to apply only to existing members who continued in service on the said date and not to employees who had already retired and ceased to be members of the Pension Fund. Placing reliance upon the judgments of the Sunil Kumar B. (supra) and



Powergrid Retired Employees' Association v. Union of India and Others decided on 19.03.2025 in WPC No.97/2025, it was observed that employees who had retired prior to 01.09.2014 without exercising the option contemplated under Paragraph 11(3) of the pre-amended Scheme were not entitled either to the benefit of the decision in *R.C. Gupta* or to the benefits flowing from the 2014 amendment. Since the writ petitioner had admittedly retired prior to 01.09.2014 and had exercised the option only in the year 2018 after the decision in *R.C. Gupta*, without establishing that any option had been exercised prior to retirement or that contributions on higher wages had been remitted under Paragraph 11(3), the learned Single Judge concluded that the respondents were justified in withdrawing the benefit of higher pension and, accordingly, dismissed the writ petition.

10. Considering the submissions made by the learned counsel appearing for the parties and the impugned order passed by the learned Single Judge, we notice that the same has been rendered with cogent and justifiable reasons. In an intra-court appeal, no interference is usually warranted unless palpable infirmities are noticed on a plain reading of the impugned order. In the facts and circumstances of the instant case, on a plain reading of order, we do not notice any such palpable infirmity or perversity, as such, we are not inclined to interfere with the impugned



order.

11. In the result, the writ appeal lacks merit substance, is liable to be and is hereby dismissed.”

They further submitted that since the facts and issue involved in the present case is identical to that of WA No. 516/2026, this appeal may also be dismissed in the same terms.

4. Having considered the rival submissions made by learned counsel for the parties and having gone through the materials on record, it is evident that the facts and issue involved in this appeal is identical to **WA No.516/2026**, this Court deems it appropriate not to take a view other than what has been taken in **WA No.516/2026**.
5. Accordingly, the present appeal is **dismissed** in terms of the order dated **23.06.2026** passed in **WA No.516/2026**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice