

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 10861 of 2025**

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NIVRUT VIDYUT KARMACHARI MANDAL

Versus

UNION OF INDIA &amp; ORS.

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Appearance:

APURVA DAVE(3777) for the Petitioner(s) No. 1

MR CHAITANYA S JOSHI(5927) for the Respondent(s) No. 1,2,3

MR DIPAK R DAVE(1232) for the Respondent(s) No. 12

MS E.SHAILAJA(2671) for the Respondent(s) No. 10,11,4,5,6,7,8,9

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**CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER****Date : 07/08/2025****ORAL ORDER**

1. Learned advocate Mr.Dave submits that Regional Provident Fund Commissioner as well as Assistant Provident Fund Commissioner has committed an error in rejecting the claim of the present petitioner on the ground that the ceiling wage in the pension fund, which is not permitted to apply the joint option for the pension or the higher wages. Learned advocate Mr.Dave submits that the employer has addressed the communication to the Additional Central Provident Fund Commissioner stating that paragraph 6(v)(vi)(b) of the GEB CPF Rules allowed the contribution in the EPS, 1995 upto prevailing wage ceiling as specified. It is also informed that the overriding effect of Regulation 19 in a Trust Regulation 2006 states that in absence of specific provision of Trust Regulation or there are less beneficial than those in the

Employees Provident Fund and Misc. Provisions Act, 1952 and Employees Provident Scheme, 1952, the latter provision shall apply. Learned advocate Mr.Dave submits that even the employer has also shown the readiness to revise the EPS Contributions Rules according to the directions issued by the Apex Court vide its order dated 04.11.2022.

2. Considering the submissions, let Notice be issued, making it returnable on 30.09.2025.
3. Learned advocate Ms.Shailaja waives service of notice on behalf of the respondent Nos.5 to 11 and learned advocate Ms.Nidhi Trivedi waives service of notice on behalf of respondent No.12.

M.M.MIRZA

**(M. K. THAKKER,J)**