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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.39411 OF 2025

RCF Ex-Employees Welfare Association & Ors. ...Petitioners

*Versus*

Union of India & Ors.

...Respondents

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Mr. Kiran Bapat, Senior Advocate, Ms. Kalyani Tulankar, Mr. Ranjit Shinde and Mr. Abheek Melwani for the Petitioners.

Mr. Neel Helekar with Mr. Akhilesh Adhav for Respondent No.1.

Mr. Mahendra M. Agavekar for Respondent Nos.2 and 3.

Mr. S.A. Bhalwal with Ms. Usha Singh, Mr. Rohan Jadhav, Mr. Kundanlal Patil and Mr. Pritesh H. Bodekar i/b. Vyas and Bhalwal for the Respondent No.4.

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CORAM : R.I. CHAGLA AND  
ADVAIT M. SETHNA, JJ.  
DATE : 18TH APRIL, 2026.

ORDER :

1. Rule. Rule made returnable forthwith. Heard by consent of parties.

2. By this Writ Petition, the Petitioners have sought for quashing and setting aside of the impugned communication dated 18th March, 2025 passed by Respondent No.3 rejecting the joint



905-wpl-39411-2025.doc

option forms submitted by the members of the Petitioner Association, in terms of the judgment of the Supreme Court in *EPFO v. Sunil Kumar B<sup>1</sup>*.

3. Having heard the learned Counsel for the parties and perusing the impugned Order dated 18th March, 2025, we are of the view that the impugned Order is a cryptic order which does not consider the representations made by the Respondent No.4 – Establishment and/or the Petitioner – Union. There is only mention made of the failure to submit original documents in support of the claims in the application for the period mentioned therein and/or to verify the correctness of the records for the period April, 2006 onwards. Certain paragraphs of the aforementioned Supreme Court judgment have been referred to and there is a mere finding that the Application does not meet the qualifying condition as laid down in the Supreme Court judgment. This forms the basis for rejection of the Application.

4. We accordingly set aside the impugned Order dated 18th March, 2025 and remand the matter back to the Respondent Nos.2

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<sup>1</sup> (2023) 12 SCC 701.



*905-wpl-39411-2025.doc*

and 3 for *denovo* determination of the Application of the Petitioner No.1 – Association for payment of difference in contribution of pension funds and balance amount due on account of contribution of actual salary of the pensioners. The representation of the Respondent No.4 – Establishment shall also be considered by Respondent Nos.2 and 3 in the *denovo* determination of the Application.

5. Hearing shall also be provided to the Petitioners and Respondent No.4 – Establishment by Respondent Nos.2 and 3 prior to the passing of the fresh reasoned Order in accordance with law.

6. This shall be done in a time bound manner i.e. within a period of 12 weeks from the date of this Order and in accordance with law including considering Clause 16A of the scheme which has been formulated by Respondent No.1 – Union of India in exercise of its power conferred by The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 ("1952 Act") as well as having due regard to the circular issued by Respondent No.2 - Employees Provident Fund Organization dated 23rd May, 2025, wherein it is stated that officers are advised to ensure that applications are processed strictly adhering to the guidelines and instructions



*905-wpl-39411-2025.doc*

provided by the Head Office. Rejections should be based on substantial and justifiable reasons, and applicants must be given adequate opportunity to rectify minor deficiencies in their submissions. The employers and employees should be adequately facilitated to complying with the requirements, thereby ensuring fair and efficient processing of applications.

7. The Writ Petition is disposed of in the above terms. There shall be no order as to costs.

[ ADVAIT M. SETHNA, J. ]

[ R.I. CHAGLA J. ]