

24-11-2025
ct no. 10
Sl.7
RP

WPA 24535 of 2025

Sudhamay Maiti and Ors.
-Versus-

Central Provident Fund Commissioner & Ors.

Mr. Soumya Majumder,
Mr. Ratikant Pal

...for the petitioner

Mr. Satyendra Agrawal

...for the Respondent 1 to 5

Mr. Dipankar Das

...for the Respondent no. 6 to 7

1. The parties are represented through their respective learned Counsel.
2. The petitioner files instant writ petition for the following reliefs:

“a. A Writ of or in the nature of Certiorari commanding the respondents and each one of them, their men, agents and subordinates to certify and transmit to this Hon’ble Court the records of the case including any order that might have been passed for not refunding the excess pension amount of your petitioners so that conscionable justice will be administered by quashing the same;
b. A Writ of or in the nature of Mandamus commanding the respondents and each one of them, their men, agents and subordinates to refund excess amount to your petitioners with interest;
c. Any other appropriate writ or writs, order or orders and direction or directions;
d. Rule NISI in terms of prayers (a), (b) and (c) above;
e. An interim order directing the respondents to immediately refund 50% of the excess amount of pension withheld by the Provident Fund Authorities with interest to your petitioners till the disposal of this application;
f. Ad-interim order in terms of prayer (e) above;
g. Cost and incidental to this application;
h. Such other or further order or orders and direction or directions as may deem fit and proper.”

3. Apropos the facts of the case, the petitioners are the employees and the ex-employees of Airport Authority of India seeking, inter alia, the refund of excess pension contribution deposited under the Employees' Pension Scheme, 1995 or actual salary behind the statutory wage ceiling.
4. It is further submitted that by dint of a notification G.S.R. i.e., 22nd 2014 with effect from 09.09.2014 the employees were entitled to contribute their higher wages to exercise a fresh joint option. Failing which excess contribution was to be refunded to the members' provident fund account with interest. The petitioner submits that contributions were made on ceiling wages of Rs.15,000/- from 01.04.2015 and have been receiving pension on ceiling wages.
5. The petitioners already made excess contribution from 16.11.1995 to 31.03.2015 which has not been refunded as per the 4th proviso to 11(4) of the Employees' Pension Scheme, 1995. It is further submitted that on various occasions representations were made since

2016 but the authority concerned kept the matter in abeyance.

6. The respondent submits that the petitioners have not made a proper representation with regard to the refund of the excess contribution to the members' provident fund account with interest.
7. The petitioner submits and draws the attention that already representations were made from page 69 onwards annexed to the writ petition.
8. The respondent seeks time to obtain instruction with regard to the filing of a report in the form of an affidavit indicating the facts and figures of the computation of the contribution made in excess by the petitioner for the period in question.
9. In view of the above the respondent is directed to file report within 3 weeks and copy of the same to be served upon the petitioner in advance for taking an exception, if any.
10. Matter to appear on 22nd December, 2025.

(Smita Das De, J.)