



W.A.(MD)No.1697 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)No.1697 of 2023

The Regional Provident Fund Commissioner,

Employees' Provident Fund Organization,

Regional Office, No.1, Lady Doak College Road,

Chokkikulam, Madurai-625 002.

... Appellant / Petitioner

Vs.

1.The Presiding Officer,

The Employees' Provident Fund Appellate Tribunal,

New Delhi.

2.M/s.Sri Saravana Spinning Mills (P) Ltd.,

Unit-II,Renganathapuram,

Dindigul, Dindigul District.

... Respondents / Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed in W.P.(MD)No.1384 of 2013, dated 22.09.2022 on the file of this Court.



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For Appellant : Mr.R.Ravikumar
For R2 : Mr.M.Elenchezhian

JUDGMENT

(Judgment of the Court was delivered by ***V.LAKSHMINARAYANAN, J.***)

The present Writ Appeal challenges the order of the learned Single Judge in W.P(MD)No.1384 of 2013, dated 22.09.2022.

2.The issue that has to be gone into is whether the apprentices engaged by the 2nd respondent Mill, as per its standing order are covered, under the Act. The Officer originally held that the apprentices are covered. An appeal was filed before the Employees' Provident Fund Appellate Tribunal at New Delhi. A specific finding had been returned by the fact finding authority, namely, Tribunal that as per the Standing Order of the 2nd respondent, apprentices, neither have a right of appointment nor are they under any obligations to accept employment, if offered.

3.As per Section 2(f) of the Employees' Provident Fund Act, an employee, who is engaged under the Apprentices Act or under the Standing



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Orders is specifically excluded. The Tribunal on the basis of the said definition had come to the conclusion that the apprentices are not covered and therefore, allowed the appeal. This was challenged before this Court in W.P.(MD)No.1384 of 2013, wherein the learned Single Judge referred to a verdict of the Division Bench of this Court in W.A.No.904 of 2012 and came to a conclusion that the apprentices are not covered.

4.The point urged by the learned counsel for the appellant is that the enquiry officer has found that there are totally 264 regular employees and 110 apprentices. The finding that 110 apprentices are being issued certificates, at the end of the apprentice period, shows that they are not treated as regular workmen. In the light of Section 2(f) of EPF Act, we do not find any reason to interfere with the order of the learned Single Judge dated 22.09.2022 passed in W.P.(MD)No. 1384 of 2013.

5.In fine, this Writ Appeal stands dismissed. No costs.

(S.M.S., J.) & (V.L.N., J.)
06.10.2023

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