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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No. 770 of 2006**

1. Bansilal, aged about 35 years, son of Shri Puran Lal, residence Bijarabhata (Dumarpara) via Baradwar, District Janjgir Champa (CG) Labour Railway Siding Worker, Baradwar in M/s. Prakash Iron Sponge Industries Limited, District Janjgir-Champa, Chattisgarh.
2. Jawahar son of Shri Bhola, aged about 40 years, residence Bijarabhata (Dumarpara) via Baradwar, District Janjgir Champa, Labour Railway Siding Worker, Baradwar in M/s. Prakash Iron Sponge Industries Limited, District Janjgir-Champa, Chhattisgarh.
3. Lachh Ram aged about 33 years, son of Shri Baisakhu, residence Bijarabhata (Dumarpara) via Baradwar, District Janjgir Champa (C.G.) Labour Railway Siding Worker, Baradwar in M/s. Prakash Iron Sponge Industries Limited, District Janjgir-Champa, Chhattisgarh.

---- Petitioners**Versus**

1. Union of India, through Ministry of Labour, New Delhi.
2. M/s. Prakash Iron Sponge Industries Limited, District Janjgir-Champa (C.G) through its Managing Director, Janjgir-Champa Chhattisgarh.
3. South East Central Railway through its Divisional Railway Manager, Bilaspur, Chhattisgarh.
4. The Central Provident Fund Commissioner, New Delhi.
5. Regional Provident Fund Commissioner, near Rajbandha Maidan Raipur, Chhattisgarh.
6. Deputy Director (Vigilance) Employee Provident Fund Organization, Wester Region Office, Bandra East Mumbai (M.S.) 341 Provident Fund Building 400051 (Mumbai)
7. Enforcement Officer, Employment Provident Fund, Tilak Nagar, Near Nehru Chowk, Bilaspur, Chhattisgarh.
8. State of Chhattisgarh, through its Secretary, Department of Labour DKS Bhawan, Raipur, Chhattisgarh.
9. Labour Officer, District Janjgir-Champa, Chhattisgarh.
10. Santosh Kumar Thawait, Contractor M/s. Prakash Iron Sponge Industries Limited, District Janjgir-Champa, Chhattisgarh.
Incharge, Railway Siding Yard Baradwar District Janjgir Champa Chhattisgarh.

---- Respondents

For Appellants : Shri A.N.Bhakta, Advocate.

For Respondent No. 1 : Shri Narendra Kumar Vyas, Assistant Solicitor General.

For Respondent No. 2 : Shri Sourabh Sharma, Advocate.

For Respondent/State : Shri UNS Deo, Government Advocate.

For Respondent No.10 : Shri Ghanshyam Patel, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice**Order on Board****14/12/2015**

1. Heard Learned Counsel for the Petitioners and the Respondents.
2. The Petitioners in this writ application seek relief against a private Company-Respondent No. 2 with regard to benefits under the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (hereinafter called 'the Act') read with the Employees' Provident Fund Scheme, 1952 (hereinafter called 'the Scheme'). The Petitioners were terminated on 1.4.2002. They sought reference under Section 10 of the Industrial Disputes Act, 1947 which was also declined on 15.7.2004. The writ petition has been filed thereafter in 2006.
3. Separate counter affidavits have been filed on behalf of Respondents No. 1, 4, 5, 6 and 7 as also by Respondent No. 2. Apart from raising the issue of delay from the date of termination, the counter affidavit of Respondent No. 2 pleads that it is not covered by the Act and the Scheme, and also that there was no relationship of master and servant also between it and the Petitioners.
4. Leaving open the question with regard to delay, the writ petition is disposed with the observation that unless there is a determination with regard to the application of the Act and the Scheme to Respondent No. 2 under Section 7A of the Act, the question of maintainability of the writ petition shall remain dependent on the same.
5. The writ petition is therefore disposed with the observation that the Petitioners if they so desire may pursue their remedies before the statutory authorities under the Act the Scheme in accordance with law.

Sd/-

**(Navin Sinha)
CHIEF JUSTICE**