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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4181 OF 2014

Shakuntala Kantilal Ishvarlal Jain
High School, run by Board of Trustees
of Trust of Shri Mumbai and Mangrol
Jain Sabha 38, M. Karve Road,
Mumbai-400 020.

.. Petitioner.

V/s

1. Asst. PF Commissioner-Circle-II,
Office of the Regional Provident
Fund Commissioner, Bhavishya Nidhi
Bhavan, 341, Bandra (East),
Mumbai-400 051.
(through Union of India, having its
local office at Aykar Bhavan,
Marine Lines, Mumbai)

2. Central Board of Trustees Employees'
Provident Fund, having its address at
Bhavishya Nidhi Bhawan, 14, Bhikaji
Cama Place, New Delhi-110 066,
through Asst. PF Commissioner-
Circle-II, Office of the Regional
Provident Fund Commissioner,
Bhavishya Nidhi Bhavan, 341,
Bandra (East), Mumbai-400 051.

.. Respondents.

Mr. Ajay Panicker i/b Ajay Law Associates, for the Petitioner.
Mr. Suresh Kumar, for the Respondents.

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Coram : Smt. R.P. SondurBaldota, J.**Date : 27th April, 2015****P.C.**

1. This petition is directed against the order dated 19th December, 2012 by which the Employees Provident Fund Appellate Tribunal dismissed the appeal preferred by the petitioner to challenge the orders dated 09th April, 2010 and 14th June, 2010 passed by the APFC, Mumbai under Sections 7A and 7B of the Employees' Provident Fund & Miscellaneous Provisions Act determining the PF dues in respect of some of the teachers. The impugned order states that it is the admitted position that the petitioner had not paid PF contribution in respect of its temporary teachers, contract teachers and untrained teachers on account of ignorance and for want of proper advise. These were the submissions made by the petitioner before the Authorities at the time of determination under Sections 7A and 7B of the Act. Based on the admission, the Authorities had determined the PF dues. The Appellate Tribunal further noted that under Section 2(f) of the Act, the contract employees, temporary teachers and

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the trainees not engaged under the Apprentices Act, 1961 or under the Standing Orders of the establishment fall within the ambit of the term employee and are entitled for the PF benefits. Admittedly, the petitioner establishment is not having any certified standing order. Therefore, the trainees engaged by it to impart education will be treated as employees under the Act. With these findings, the Appellate Authority refused to interfere with the order of the Authority.

2. Mr. Panicker, the learned advocate for the petitioner submits that respondent has sought to recover the amount of Provident Fund in respect of those persons, who were employed with the petitioner for short duration and who have left long back. The petitioner has no particulars of such persons. In this situation, according him, the respondent could not have recovered the contribution of provident fund from the petitioner.

3. Mr. Kumar, the learned advocate appearing for the respondent points out that the same stand was taken by the petitioner before the Authority stating that it had no record of

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appointment of every person, who had joined services from time to time and left at different intervals, because the matter is very old. The Authority, however, from very record available with the petitioner had pinpointed the persons covered by P.F. Act and had prepared report in respect of the liability. The copy of the report had been given to the petitioner as far back as on 23rd February, 2010. Therefore, there can be no substance in the submission of the petitioner that this information is not available with it. It is obvious that petitioner had taken a false stand in their reply to the show cause notice. In the circumstances, there can be no interference with the impugned order. Therefore, the petition is dismissed.

(Smt. R.P. SondurBaldota, J.)