

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

WP(C).No. 8226 of 2005 (D)

PETITIONER(S):

- 1. MR.S.A.MOHANA KUMAR,
SENIOR TECHNICAL ASSISTANT, THE ALUMINIUM
INDUSTRIES LIMITED, RELAYS DIVISION, VILAPPILSALA
THIRUVANANTHAPURAM, PERMANENTLY RESIDING AT
T.C.20/241(1), 'MOKSHA' MELARANNOOR, KARAMANA P.O.
TRIVANDRUM-695 002.**
- 2. MR.M.VIKRAMAN,
OPERATOR GR.III, THE ALUMINIUM INDUSTRIES LIMITED
RELAYS DIVISION, VILAPPILSALA, THIRUVANANTHAPURAM
PERMANENTLY RESIDING AT KARTHIKA, S.S.KOVIL LANE
KAWDIAR P.O., THIRUVANANTHAPURAM.**

**BY ADVS.SRI.SATHISH NINAN
SRI.SANTHOSH MATHEW**

RESPONDENT(S):

- 1. THE REGIONAL PROVIDENT FUND COMMISSIONER
BHAVISHYANIDHI BHAVAN, REGIONAL OFFICE, PATTOM
THIRUVANANTHAPURAM.**
- 2. THE ALUMINIUM INDUSTRIES LIMITED,
EMPLOYEES PROVIDENT FUND, KUNDARA, KOLLAM
REPRESENTED BY ITS CHAIRMAN AND TRUSTEE.**
- 3. THE ALUMINIUM INDUSTRIES LIMITED,
RELAYS DIVISION, KAVINPURAM, VILAPPILSALA
THIRUVANANTHAPURAM-695 573, REPRESENTED BY ITS
MANAGER.**

**R, BY ADV. SRI.N.N. SUGUNAPALAN, SC, P.F.
R,R2 & R3 BY ADV. SRI.E.K.NANDAKUMAR
R,R2 & R3 BY ADV. SMT.PRIYA MAHESH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONERS EXHIBITS:

- EXT.P1** COPY OF THE LETTER NO.RL-F/2909/1453/2002 DATED 4.6.02 SENT BY THE EXECUTIVE OF 3RD RESPONDENT TO THE FIRST RESPONDENT.
- EXT.P2** COPY OF THE LETTER NO.KR/15/EX.ESTT.ENF.II(6)/03 DATED 4.2.03 SENT BY THE FIRST RESPONDENT TO THE 3RD RESPONDENT.
- EXT.P3** COPY OF THE LETTER NO.KR/15/EX.ESTT./ENF.II(6)/03 DATED 17.3.03 SENT BY THE FIRST RESPONDENT TO THE 2ND RESPONDENT.
- EXT.P4** COPY OF LETTER.NO.RL.F/880/2003 DATED 20.03.03 SENT BY THE 3RD RESPONDENT TO THE 1ST RESPONDENT.
- EXT.P5** COPY OF LETTER NO.KR/15/EX.ESTT/ENF.II(6)/03/79 DATED 3.4.03 SENT BY THE 1ST RESPONDENT TO THE 3RD RESPONDENT.
- EXT.P6** COPY OF LETTER NO.KR/15/EEEX.ESTT/ENF.II(6)/03/78 DATED 3.4.03 SENT BY THE 1ST RESPONDENT TO THE 2ND RESPONDENT.
- EXT.P7** COPY OF THE LETTER. NO.RL-F/2920/1137/2003 DATED 14.4.03 SENT BY THE 3RD RESPONDENT TO THE 1ST RESPONDENT.
- EXT.P8** COPY OF THE LETTER NO. ED.20/014 DATED 23.4.03 SENT BY THE COMPANY SECRETARY AND DIRECTOR OF ALIND TO THE 1ST RESPONDENT.
- EXT.P9** COPY OF THE ORDER NO.KR/45/ENF.II(6)/03 DATED 25.4.03 OF THE ASST. PROVIDENT FUND COMMISSIONER, KERALA.
- EXT.P10** COPY OF THE SHOW CAUSE NOTICE NO.KR/15/EX/ESTT/ENF.II(6)/03 DATED 30.06.03 ISSUED BY THE 1ST RESPONDENT TO THE 3RD RESPONDENT.
- EXT.P11** COPY OF THE LETTER NO.RL-DC/PF/1840/03 DATED 9.7.03 SENT TO THE 1ST RESPONDENT BY THE 3RD RESPONDENT.
- EXT.P12** COPY OF THE LETTER NO.SY.20/095/DATED 14.7.03 SENT BY THE 2ND RESPONDENT TO THE 1ST RESPONDENT.
- EXT.P13.** COPY OF LETTER NO.KR/15/EX/ESTT/ENF.II(6)/03/7484 DATED 23.7.03 SENT BY THE 1ST RESPONDENT TO THE 3RD RESPONDENT.

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- EXT.P14 COPY OF THE LETTER NO.RL-DC/PF/1981/03 DATED 18.7.03 SENT BY THE 3RD RESPONDENT TO THE 1ST RESPONDENT.
- EXT.P15 COPY OF THE LETTER NO.RL-DC/PF/2547/03 DATED 5.8.03 SENT BY THE 3RD RESPONDENT TO THE 1ST RESPONDENT.
- EXT.P16 COPY OF THE LETTER NO.KR/15/EX.ESTT/ENF.II(6)/04/4216 DATED 12.02.04 SENT BY THE 1ST RESPONDENT TO THE 3RD RESPONDENT.
- EXT.P17 COPY OF THE LETTER DATED 20.2.04 SENT BY THE 2ND RESPONDENT TO THE 1ST RESPONDENT.
- EXT.P18 COPY OF THE LETTER NO.KR-15A/PF/848/04 DATED 29.03.04 SENT BY THE 3RD RESPONDENT TO THE 1ST RESPONDENT.
- EXT.P19 COPY OF THE LETTER NO.KR/15-A/ENF 1(5)2004 DATED 1-10-04 SENT BY THE 1ST RESPONDENT TO THE 3RD RESPONDENT.
- EXT.P20 COPY OF THE LETTER NO.RL-PF/KR-15A/2428/04 DATED 28-1-04 SENT BY THE 3RD RESPONDENT TO THE 1ST RESPONDENT.
- EXT.P21 COPY OF THE AUDITED PROVIDENT FUND DETAILS OF ALIND, RELAYS DIVISION.

RESPONDENTS EXHIBITS:

- EXT.R1(A) COPY OF THE BALANCE SHEET FOR THE YEAR 2002-03.
- EXT.R1(B) COPY OF THE STATEMENT OF PROVIDENT FUND BALANCE ACCOUNT ON 31.12.03.
- EXT.R1(C) COPY OF THE STATEMENT SUBMITTED BY THE ALIND LTD. DATED 12.4.04
- EXT.R1(D) COPY OF THE BALANCE SHEET ISSUED BY THE RELAYS DIVISION FOR THE YEAR 2002-03, DATED 31.03.03 SERIES.
- EXT.R1(E) COPY OF THE NOTES ATTACHED AND AUDITED BALANCE SHEET FOR THE YEAR 98-99 TO 02-03 DATED 10.12.04.
- EXT.R1(F) COPY OF THE PF BALANCE AS ON 31.3.03 OF THE RELAYS DIVISION
- EXT.R1(G) COPY OF THE MANUEL OF ACCOUNTING PROCEDURE PART IIA AND IIB, CHAPTER II PARAGRAPH 11.8.3.12, 11.8.3.13 AND 11.6.1

// TRUE COPY //

PA TO JUDGE.

K. VINOD CHANDRAN, J.

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Dated this the 30th day of September, 2015

J U D G M E N T

The petitioners were before this Court seeking to finalise the provident fund of the employees of the respondent company and to calculate interest at the rate prescribed by the Central Government. At the time when the writ petition was filed, the employees of the respondent company were exempted, from the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for brevity, 'EPF & MP Act'). The Scheme was applicable was one carried on by a Trust, the 2nd respondent herein. However, subsequently, the petitioners were covered under the EPF & MP Act and the entire amounts are said to have been transferred to the Employees Provident Organisation. It is also submitted on behalf of the respondent Company and the Trust; who earlier operated the Scheme that

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the accounts maintained with the 3rd respondent has been regularised by paying the dues accrued. In such circumstance, if the petitioners have any grievance still existing, the petitioners are directed to approach the Employees Provident Fund Organisation.

The writ petition is disposed of, leaving open the contentions.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB/ 05 /10 /2015

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P.A to Judge.