

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

WP(C).No. 1658 of 2015 (F)

PETITIONER:

**ALI HASSAN,
S/O. BEERANKUTTY MUSLIYAR,
PATTUPARA HOUSE, OTTATHARA P.O.,
KODUR, MALAPPURAM DISTRICT, PIN - 676 504.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENT(S):

- 1. DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS
WELFARE FUND, PALAKKAD - 678 001.**
- 2. REGIONAL PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANIZATION,
SUB REGIONAL OFFICE, PB 1806, ERANJIPALAM,
KOZHIKODE - 673 006.**
- 3. NARAYANANKUTTY NAIR, S/O. KRISHNANKUTTY NAIR,
GEETHAM, KOONATHARA, OTTAPALAM,
PALAKKAD DISTRICT - 679 101.**

**R1 BY SRI.K.S.MANU, SC
R2 BY SRI.THOMAS MATHEW NELLIMOOTTIL,SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 1658 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 - TRUE COPY OF THE JUDGMENT MADE IN WPC NO. 20685/2013
DATED 20.8.2013 BY THIS HON'BLE COURT.**
- P2 - TRUE COPY OF THE COMMUNICATION DATED 29.12.2014 SENT BY THE
1ST RESPONDENT IN THE NAME OF THE PETITIONER.**
- P3 - TRUE COPY OF THE FIRST RECEIPT DATED 17.11.2007 EVIDENCING PAYMENT
OF RS. 67,615/- TOWARDS CONTRIBUTION TO EPF BY THE PETITIONER.**
- P4 - TRUE COPY OF THE LAST RECEIPT DATED 19.11.2010 EVIDENCING
PAYMENT OF RS. 12,650/- TOWARDS CONTRIBUTION TO EPF BY THE
PETITIONER.**

RESPONDENT(S)' EXHIBITS: - **NIL**

/TRUE COPY/

P.S. TO JUDGE

mbr/

K. VINOD CHANDRAN, J.

W.P.(C) No. 1658 of 2015

Dated this the 12th day of February, 2015

J U D G M E N T

The petitioner is aggrieved with the coverage attempted by the 1st respondent under the Kerala Motor Transport Workers Welfare Fund Act, 1985.

2. The petitioner contends that the employees under the petitioner are covered under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952(hereafter referred to as 'the EPF&MP Act' for short). However, no details as to the employees or the details as to the vehicles owned by the petitioner is forthcoming in the Writ Petition.

3. The learned counsel appearing for the 2nd respondent would contend that there are only 26 employees under the petitioner, covered under the EPF&MP Act and a certificate is also said to have been issued to the petitioner with respect to the coverage of the said employees.

Definitely, the designation of such employees would have to be verified and there shall also be an enquiry into whether all the employees are covered in the EPF&MP Act.

4. In such circumstance, the 1st respondent would conduct an enquiry as to the employees covered under the EPF&MP Act and would decide on the coverage under the Motor Transport Workers Welfare Fund Act, 1985. It is made clear that mere fact of coverage under the EPF&MP Act would not absolve the petitioner from the coverage under the Welfare Fund Act. If there are employees not covered under the the EPF&MP Act, definitely they would have to be covered under the Welfare Fund Act. The petitioner is directed to appear before the 1st respondent on 25.02.2015 and produce the entire records with respect to the employees under the petitioner, the vehicles owned or taken on lease by the petitioner and the details of coverage under the EPF&MP Act. The 1st respondent shall conduct an

independent enquiry under the Act and shall, after affording an opportunity of hearing to the petitioner, decide on the coverage, at any rate within three months from the date of first appearance of the petitioner.

The Writ Petition is disposed of, making it clear that all contentions of either parties will be left open.

Sd/-
K.VINOD CHANDRAN,
JUDGE

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