

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

W.P.(C).No.3388 of 2014 (W)

PETITIONER(S):-

VEEKSHANAM PRINTING & PUBLISHING COMPANY LIMITED,
VEEKSHANAM ROAD, KOCHI-682018,
REPRESENTED BY ITS GENERAL MANAGER ANILKUMAR RAJAN.

BY ADV. SRI.P.RAMAKRISHNAN.

RESPONDENT(S):-

1. ASSISTANT PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANISATION,
SUB REGIONAL OFFICE, 36/685 A, BHAVISHYANDHI BHAVAN,
KALOOR, KOCHI-682017.

2. STATE BANK OF INDIA
BROADWAY BRANCH, ERNAKULAM, KOCHI-682031.

R1 BY SENIOR ADVOCATE DR.S.GOPAKUMARAN NAIR &
STANDING COUNSEL SRI.A.RAJASIMHAN.

R2 BY SENIOR ADVOCATE SRI.K.K.CHANDRAN PILLAI &
STANDING COUNSEL SRI.THOMAS JAMES MUNDACKAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
26-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

W.P.(C).NO.3388 OF 2014-W

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1 TRUE COPY OF ORDER DATED 12.08.2013 ISSUED BY THE
 1ST RESPONDENT.

EXT.P2 TRUE COPY OF ORDER DATED 21.1.2014 ISSUED BY
 THE RESPONDENT.

RESPONDENT'S EXHIBITS:-

NIL.

Vku/

[true copy]

K. Vinod Chandran, J.

W.P(C) No.3388 of 2014-W

Dated this the 26th day of February, 2015

JUDGMENT

The petitioner challenges Exhibit P1 assessment order made against the petitioner under the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 [for brevity "EPF Act"], more specifically Section 7A of the EPF Act. Admittedly there is an appellate remedy provided under the statute, which the petitioner has not chosen to avail of. The assessment order dated 12.08.2013 and the subsequent order under Section 8F dated 21.01.2014 are sought to be challenged after the period of appeal.

2. It is trite that factual aspects ought to be urged before the appellate authority and not in a petition under Article 226 of the Constitution. No ground is raised to invoke the extra-ordinary jurisdiction of this Court under Article 226. In such circumstance, the writ petition is found to be devoid of merit.

3. However, the contention that the entire wages being not covered under the EPF Act would be left open, if the petitioner urges the same in the subsequent years.

4. Also considering the plea made by the petitioner, it is directed that, the respondent-EPF Organization shall grant ten equal monthly instalments to the petitioner to settle the entire amounts due. The 1st instalment shall be paid on or before 26.03.2015 and followed up on or before 26th of each succeeding month. The Organisation shall give credit to the amounts already remitted by the petitioner, in compliance with the directions of this Court in the interim order.

The writ petition is disposed of, granting instalment facility.

No costs.

Sd/-
K.Vinod Chandran
Judge.

vkul/-

[true copy]