

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

WP(C).No. 7050 of 2015 (E)

PETITIONER(S):

**AJEESH K.,
S/O.MOHAMMED, KARUVALLY HOUSE, KADUNGAPURAM
P.O. VATTALUR, MALAPPURAM DISTRICT.**

BY ADV. SRI.SAJU J.VALLYARA

RESPONDENT(S):

- 1. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD
MALAPPURAM, PIN-676 504.**
- 2. THE ASSISTANT PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANIZATION
SUB REGIONAL OFFICE, KOZHIKODE-673 006.**

R1 BY SRI.P.M.HABEEB

R2 BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL,SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1 :** **PHOTOCOPY OF THE REGISTRATION CERTIFICATE IN RESPECT OF VEHICLE KL-10-Z-7903.**
- EXT P2 :** **PHOTOCOPY OF THE REGULAR PERMIT IN RESPECT OF STAGE CARRIAGE KL-10-Z-7903.**
- EXT P3 :** **PHOTOCOPY OF THE REMITTANCE OF PROVIDENT FUND FOR THE MONTH OF OCTOBER, 2014.**
- EXT P4 :** **PHOTOCOPY OF THE CERTIFICATE NO.KR/KKD/23401/ENF3(3)/2014 DT 11.12.2014 ISSUED BY THE 2ND RESPONDENT.**
- EXT P5 :** **PHOTOCOPY OF THE REQUEST DT. 11.02.2015 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K.VINOD CHANDRAN, J

W.P.(C).No. 7050 of 2015

Dated 10th March, 2015

JUDGMENT

The petitioner is the owner of a vehicle bearing registration No.KL-10-Z-7903 which is said to be covered with a regular permit to operate on the route Manjeri - Ottathara. The said vehicle is said to have been operated under the establishment of M/s.Sulthan Transport, Cherukulamba, which is covered under the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (EPF & MP Act). The employees working in the said vehicle is also said to have been covered under the EPF & MP Act. The petitioner is said to have withdrawn the vehicle from the Motor Transport undertaking which was covered under the EPF & MP Act and seeks for enrollment under the Kerala Motor Transport Workers Welfare Fund Act, 1985. The petitioner's application at Ext.P5 is not being

accepted, is the contention.

2. The learned Standing Counsel for the Welfare Fund Board appears and contends that the application was never submitted to the Board at all. It is also submitted that, the Board will have to look into whether the employees in the vehicle were covered under the EPF & MP Act and if not so covered, the prior dues would have to be paid by the petitioner.

3. In any event, that would be a matter of adjudication under the EPF & MP Act which the 1st respondent is competent to do. The petitioner shall produce the entire documents evidencing his contentions before the 1st respondent. The 1st respondent shall pass a determination order after conducting such enquiry as he finds necessary in the manner. The petitioner shall produce the application and the documents before

the 1st respondent within one weeks from today and the issue shall be considered as expeditiously as possible. It is made clear that this Court has not expressed any view on the merits and the contention, with respect to the coverage under the EPF & MP Act, is just an extraction of the averments made in the writ petition.

Writ petition disposed of.

Sd/-

K.VINOD CHANDRAN
Judge

Mrcs

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