

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

WP(C).No. 8845 of 2015 (E)

PETITIONER:

THE SECRETARY AGED 49 YEARS
THRISSUR DISTRICT SCHEDULED CASTE/SCHEDULED
TRIBE MOTOR TRANSPORT
COOPERATIVE SOCIETY LTD. (NO.740) OLLUKARA
PULLAZHI P.O, THRISSUR-680 012.

BY ADV. SRI.P.DEEPAK

RESPONDENTS:

1. THE REGIONAL PROVIDENT FUND COMMISSIONER
EMPLOYEES PROVIDENT FUND ORGANIZATION
SUB-REGIONAL OFFICE, 36/685 A, BHAVISHYA NIDHI BHAVAN
KALOOR KOCHI-682 017.
2. THE ASSISTANT PROVIDENT FUND COMMISSIONER &
RECOVERY OFFICER
EMPLOYEES PROVIDENT FUND ORGANIZATION
SUB-REGIONAL OFFICE, 36/685 A, BHAVISHYA NIDHI BHAVAN
KALOOR KOCHI-682 017.
3. THE ENFORCEMENT OFFICER
EMPLOYEES PROVIDENT FUND ORGANIZATION
THRISSUR 680002.

R-R BY ADV. DR.S.GOPAKUMARAN NAIR (SR.)
R-R BY ADV. SRI.A.RAJASIMHAN,SC,EPF ORGANISATION
BY ADV.SRI PRASANTH, SC, EPF ORGANISATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 - A TRUE COPY OF THE TEMPORARY PERMIT ISSUED TO KL-08/AC 5520

EXT.P2 - A TRUE COPY OF THE MAHAZZER DATED 25-02-2015 PREPARED BY THE 3RD
RESPONDENT

EXT.P3 - A TRUE COPY OF THE SAID WARRANT OF ATTACHMENT DATED 18-02-2015

EXT.P4 - A TRUE COPY OF THE REPRESENTATION DATED 05-03-2015

RESPONDENT(S)' EXHIBITS : NIL

TRUE COPY

P.A TO JUDGE

jma

K. VINOD CHANDRAN, J

W.P(C) No. 8845 of 2015

Dated this the 20th day of March, 2015

J U D G M E N T

The petitioner is aggrieved with the attachment of a vehicle for demand made for the default committed in payment of contribution under the Employees Provident Fund and Miscellaneous Provisions Act, 1952. The amounts for which attachment is made is Rs. 1,46,908/- as is indicated in Ext.P3.

2. The learned Standing Counsel for the Organisation appears and submits that out of the aforesaid amount, Rs.62,000/- is the amount which were deducted by the petitioner from the salary of his employees and not paid to the EPF Organisation.

3. In such circumstance the release of the vehicle can be ordered only if at least the employees contribution is paid. As soon as the employees contribution of Rs.62,000/- is paid, the organisation will release the vehicle if the same is done within a period of two months from today. If no payment is made, then,

the Organisation will be at liberty to proceed with the sale of the vehicle. However, if the deposit is made as per the directions of this Court, the balance amounts shall be deposited in four monthly installments starting from one month from the date of deposit of Rs.62,000/-. If any default is committed, again the EPF Organisation is entitled to possess the vehicle and proceed against the same.

The writ petition is disposed of.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

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P.A to Judge