

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN**

**MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937**

**WP(C).No. 29491 of 2004 (J)**  
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**PETITIONER(S):**  
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**JOSEPH PHILIP, AGED 58 YEARS,  
S/O.VARGHESE JOSEPH,(WORKER RETD.) SRAMBICAL HOUSE  
KUNTHIRIKAL P.O. EDATHUA, NOW R/A. VENGOLAVAIPEL  
MEVALLOOR P.O. KOTTAYAM DISTRICT.**

**BY ADV. SRI.A.X.VARGHESE**

**RESPONDENT(S):**  
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- 1. HINDUSTAN NEWS PRINTS LTD., VELLOOR, KOTTAYAM  
DISTRICT. (RET. BY ITS MANAGING DIRECTOR)**
- 2. THE PERSONAL MANAGER,  
T&A ADMINISTRATION, HINDUSTAN NEWS PRINTS LTD.  
VELLOOR, KOTTAYAM DISTRICT.**

**R,R2 BY ADV. SRI.E.K.NANDAKUMAR  
R,R2 BY ADV. SMT.PRIYA MAHESH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 28-09-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

WP(C).No. 29491 of 2004 (J)

**APPENDIX**

**PETITIONERS EXHIBITS:**

- EXT.P1        COPY OF THE ESI CARD ISSUED TO THE PETITIONER BY THE  
ESI CORPORATION DATED 18.09.02.**
- EXT.P2        COPY OF THE ANNUAL STATEMENT OF ACCOUNTS FOR THE  
YEAR OF 1994-95 AND 2000-01 ISSUED BY THE REGIONAL  
PROVIDENT FUND COMMISSIONER.**

**RESPONDENTS EXHIBITS:**

**NIL**

**// TRUE COPY //**

**PA TO JUDGE.**

**SB**

**K. VINOD CHANDRAN, J.**

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**W.P.(C) No.29491 of 2004 - J**

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**Dated this the 28<sup>th</sup> day of September, 2015**

**J U D G M E N T**

The petitioner in the above writ petition seeks disbursement of all retirement benefits of the petitioner including provident fund, gratuity arrears, pension etc. The respondent has filed a counter affidavit which would clearly indicate that the petitioner had never been employed in the company and he had been working under different contractors. The petitioner not being in the rolls of the company, the company has no liability to pay the petitioner any retirement benefits since he was never in the service of the company nor retired from such services.

2. The petitioners contention however is that the provident fund and ESI contributions were deducted from his salary. That however is remitted to the Employee's Provident

Fund Scheme, 1952 as is indicated at Ext.P2. Even contract employees would be covered under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 as also the Employees' State Insurance Act, 1948 but that does not raise any presumption as to regular employment in the company itself. For obtaining the provident fund benefits, the petitioner would have to approach the Employees Provident fund Organisation, who operates the Employee's Provident Fund Scheme, 1952.

The writ petition would stand dismissed, leaving open the remedy to agitate the same before the appropriate forum.

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

SB

// true copy //

P.A to Judge.