

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C).No. 18187 of 2014 (W)

PETITIONER:

**M/S.THUSHARA ASSOCIATES,
REPRESENTED BY ITS PARTNER, R.PONNAPPAN NAIR,
S/O.RAMAKRISHNA PILLAI, THUSHARA, MENAMKULAM,
CHITTATTUMUKKU, THIRUVANANTHAPURAM.**

BY ADV. SRI.T.K.ANANDA KRISHNAN

RESPONDENT(S):

- 1. GOVERNMENT OF INDIA, REPRESENTED
BY SECRETARY, DEPARTMENT OF SPACE,
CENTRAL SECRETARIAT, NEW DELHI - 110 001.**
- 2. THE REGIONAL COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANIZATION,
THIRUVANANTHAPURAM - 695 001.**
- 3. SENIOR PURCHASE & STORES OFFICER,
V.S.S.C PURCHASE UNIT III,P.R.S.O,R.F.F AREA,
THUMBA,THIRUVANANTHAPURAM - 695 022.**
- 4. HEAD, CONSTRUCTION AND MAINTENANCE
DIVISION-C.P.H V.S.S.C, THUMBA,
THIRUVANANTHAPURAM - 695 022.**

**R1, R3 & R4 BY SRI.N.NAGARESH, A S G
R2 BY SRI.N.N. SUGUNAPALAN, (SENIOR ADVOCATE)
BY SMT.T.N.GIRIJA, SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

WP(C).No. 18187 of 2014 (W)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1: TRUE COPY OF THE PARTNERSHIP DEED OF M/S. THUSHARA ASSOCIATES.

EXHIBIT P2 : TRUE COPY OF THE CONTRACT FOR CIVIL MAINTENANCE AT THE PREMISES OF THE 4TH RESPONDENT.

EXHIBIT P3 : TRUE COPY OF THE ORDER OF WORK GIVEN BY THE 3RD RESPONDENT DATED 25-03-2014.

EXHIBIT P4 : TRUE COPY OF THE RETURN SUBMITTED BY THE PETITIONER.

EXHIBIT P5 : TRUE COPY OF THE PROFORMA OF COVERAGE UNDER THE EMPLOYEES PROVIDENT FUND ACT.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.S.TO JUDGE

mbr/

K. VINOD CHANDRAN, J

W.P(C) No. 18187 of 2014

Dated this the 02nd day of March, 2015

J U D G M E N T

The above writ petition is filed by the employer who is interested in registration of their workers, under the Employees Provident Fund and Miscellaneous Provisions Act, 1952. The cause of action for the above writ petition, obviously, is refusal of the 3rd and 4th respondents to release the amounts due to the petitioner on account of the work done by the petitioner on contract. The petitioner is said to have filed a return at Ext.P4 and proforma of coverage at Ext.P5 before the 2nd respondent. The 2nd respondent has filed a statement, in which it has been categorically stated that the Act can be made applicable to an establishment employing less than 20 employees, only if an application under Section 1(4) of the Act is submitted. The majority of the employees should also file an undertaking that the provisions of the

Act to be made applicable to the establishment. If such an application is made and on the subsequent notification in the official gazette alone, the establishment would be covered under the Act; is the specific submission. In such circumstance if the petitioners take such steps as provided under the Act, necessarily the 2nd respondent should consider the coverage under the Act in accordance with law. The relief sought against the 3rd and 4th respondents shall be left open.

Writ petition is disposed of.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

//P.A to Judge//