

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

WP(C).No. 22147 of 2010 (P)

PETITIONER(S):

- 1. HOSPITAL DEVELOPMENT COMMITTEE,
GENERAL HOSPITAL, THIRUVANANTHAPURAM, REPRESENTED
BY ITS SECRETARY, THE SUPERINTENDENT, GENERAL HOSPITAL,
THIRUVANANTHAPURAM.**
- 2. THE SECRETARY,
HOSPITAL DEVELOPMENT COMMITTEE, GENERAL HOSPITAL,
THIRUVANANTHAPURAM, (THE SUPERINTENDENT,
GENERAL HOSPITAL, THIRUVANANTHAPURAM.)**

**BY ADVS.SRI.GOPAKUMAR R.THALIYAL
SRI.M.S.VIJAYACHANDRAN BABU
SRI.N.P.PRAJEESH**

RESPONDENT(S):

- 1. THE ASSISTANT PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND, ORGANIZATION
REGIONAL OFFICE, THIRUVANANTHAPURAM-695 033.**
- 2. THE UNION OF INDIA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
LABOUR DEPARTMENT, CENTRAL SECRETARIAT,
NEW DELHI - 110 001.**
- 3. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**

**R1 BY SRI.N.N. SUGUNAPALAN, SENIOR ADVOCATE
ADV. SMT.T.N.GIRIJA, SC
R2 BY ADV. SRI.N.NAGARESH, ASG OF INDIA
R3 BY GOVERNMENT PLEADER SRI.RAFEEQUE V.K.**

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

msv/

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1: TRUE COPY OF THE GOVERNMENT ORDER DTD.8.4.1997.

EXT.P2: TRUE COPIES OF THE ORDERS AND CIRCULARS PERTAINING TO THE
CONSTITUTIONS AND FUNCTIONING OF THE HOSPITAL DEVELOPMENT
COMMITTEE.

EXT.P3: TRUE COPY OF THE COVERAGE NOTICE ISSUED BY THE 1ST RESPONDENT
DTD.22.7.2009.

EXT.P4: TRUE COPIES OF THE NOTIFICATIONS DATED 17.5.1971.

EXT.P5: TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT DTD.1.3.2010.

EXT.P6: TRUE COPY OF THE JUDGMENT PASSED BY THIS HONOURABLE COURT IN
OP.NO.7464 OF 2000 DTD.4.11.2008.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms v/

K. Vinod Chandran, J.

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W.P.(C)No.22147 of 2010

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Dated this the 3rd day of February, 2015.

JUDGMENT

The issue raised in the writ petition is identical to that decided in Ext.P6 judgment. Ext.P6 judgment relates to two hospital development committees, similar to that of the petitioner herein. O.P.Nos.7464 of 2000 and 7464 of 2000 were disposed of by judgment dated 4.11.2008 (Ext.P6), in which the hospital development committees as constituted by the State of Kerala for the various hospitals under the Government of Kerala, were declared to be not liable to be covered under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. There shall be a similar declaration as in Ext.P6 that, the petitioner herein is not liable to be covered under the EPF & MP Act, however, subject to the further directions in Ext.P6.

Writ petition is disposed off.

K. Vinod Chandran, Judge.