

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

WP(C).No. 25544 of 2015 (P)

PETITIONER(S):

**PUSHPAVALLY,
W/O.SREEJITH, DIRECTOR,
M/S. CHAITHANYA VOCATIONAL TRAINING COLLEGE,
NEAR THARUVANA THERU SCHOOL, ANCHAM MILE,
POST KATHIRUR, KANNUR.**

BY ADV. SRI.MOHANAN V.T.K.

RESPONDENT(S):

- 1. THE RECOVERY OFFICER,
EMPLOYEES PROVIDENT FUND ORGANISATION,
SUB REGIONAL OFFICE, V.K COMPLEX, FORT ROAD,
KANNUR 670 001.**
- 2. AUTHORISED OFFICER,
ASSISTANT PROVIDENT FUND COMMISSIONER, KANNUR.**

BY DR.ABRAHAM P.MEACHINKARA, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 25544 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1. COPY OF THE NOTICE ISSUED BY THE IST RESPONDENT DATED
2.7.15.**

**EXHIBIT P2. COPY OF THE DISCHARGE SUMMARY OF THE PETITIONER FROM
LAKESHORE HOSPITAL DATED 22.11.13.**

**EXHIBIT P3. COPY OF THE DISCHARGE SUMMARY OF THE PETITIONER DATED
27.2.14 FROM LAKESHORE HOSPITAL.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 25544 of 2015

Dated this the 20th day of August, 2015

J U D G M E N T

The petitioner was running an institution, “Chaithanaya Vocational Training College, Thalassery, imparting various vocational training like Pre-Primary School Teacher Training etc. She alleges that the institution was not coming under the Employees Provident Fund Act. Now, the petitioner was served with Ext.P1 notice dated 02.07.2015 to show cause why arrest warrant should not be issued against her for non remittance of the amount due to the respondents. The petitioner points out that her husband is a cancer patient and under oncology treatment for a long period as evidenced by Exts.P2 & P3 discharge summaries issued by the hospital, where the petitioner's husband has undergone treatment.

2. Heard the learned counsel for the petitioner

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and the learned Standing Counsel for the respondents.

As the learned counsel for the petitioner confined his argument to the limited prayer for an instalment facility, the writ petition is disposed of permitting the petitioner to clear off the amount covered by Ext.P1 in 15 equal monthly instalments starting from 15;.09.2015. It is hereby made clear that if the petitioner fails in remitting two instalments consecutively, it shall be open to the respondents to initiate recovery proceedings against the petitioner.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-