

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION NOS. 26245, 26472

& 26479 OF 2015

COMMON ORDER:

These Three Writ Petitions are filed by the different contractors, who are supplying contract workers pursuant to the agreement with the respondents and when the respondents directed the petitioners seeking details of shortfall of EPF amount and reconciliation with the EPF authorities for payment of shortfall amount and for production of no due certificate from the EPF authorities, petitioners preferred these Writ Petitions.

The respondents filed a counter affidavit stating that on receipt of the enquiry report by the Vigilance, the Chief General Manager (HRD/TSSPDCL/Hyderabad issued a memo giving certain instructions to the subordinates. Basing on the above memo, the Superintendent Engineer, Mahabubnagar, issued instructions directing all the Divisional Engineers, Electrical Operations, Mahabubnagar as follows:

“(a) To issue show cause notice to the contractor maintaining Vigilance report to remit the EPF, ESI amounts misappropriated by them immediately to the concerned authorities, failing which the amounts will be recovered from the work bills to be paid to the contractor in some other work done by him in the Division.

(b) Place the firm in black list immediately and submit compliance report.

(c) Lodge a criminal case against the contractors.”

The counter affidavit further states that as per the general terms and conditions of the contract, the contractor shall submit form 12A (monthly return) to EPF authorities and produce the proof of payment of EPF to the individual workers account for processing the monthly bills and also produce no due certificate from the EPF authorities. In those circumstances, they issued the show cause notices. Petitioners also submitted their reply seeking breakup figures and accordingly, the letters were issued to the petitioners indicating the breakup figures.

After receipt of the above counter affidavit, the learned counsel appearing for petitioners submits that the petitioners would take necessary steps in accordance with the letter issued by the respondents within two weeks and submit the no due certificate from the EPF authorities.

Recording the above statement made by the learned counsel appearing for the petitioners, these three Writ Petitions are closed. There shall be no order as to costs.

As a sequel thereto, miscellaneous applications, pending if any, shall stand closed.

A. RAMALINGESWARA

RAO, J

DATE: 03.09.2015

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