

THE HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.26807 of 2006

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ORDER :

This writ petition is filed seeking to issue a writ of *Mandamus* to declare the letter No.AP/VP/CC-53/Enf/SRO/VSP/06/2/87, dated

06-09-2006 of the 3rd respondent in not allotting the Code Number to the petitioner for the purpose of remitting the EPF amount directly in favour of the employees engaged through the petitioner and working under the control of the 1st respondent having fulfilled the statutory limitation is illegal and arbitrary and consequently direct the 2nd and 3rd respondents to allot a Code Number to him for the purpose of remitting the EPF amount directly in favour of the employees engaged through the petitioner and working under the control of the 1st respondent having fulfilled the statutory limitation.

2. Respondents 2 and 3 have filed counter affidavit stating that there is no need to allot separate code number to the petitioner, who is a contractor to the 1st respondent and he has to enrol his employees as members of the PF and remit the contributions to the 1st respondent, who will remit the same to the 2nd respondent-Organization in the Code Number AP/45011. It is further stated in the counter

that the consideration of employment strength of 20 persons is for the purpose of coverage of individual establishments under Section 1(3)(b) of the Act and not in respect of contractors.

3. Heard the learned counsel on either side and perused the material available on record.

4. Having perused the counter filed by the respondents 2 and 3, this Court is of the view that the stand taken by the respondents in the counter is in accordance with law. Moreover, nothing remains in the Writ Petition to be adjudicated, since the controversy regarding allotment of Code Number to the petitioner does not survive at this stage.

5. Hence, the Writ Petition is disposed of as infructuous. No order as to costs. As a sequel, miscellaneous petitions pending, if any, in this Writ Petition are closed.

JUSTICE RAJA ELANGO

05th February, 2015

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