THE HON'BLE SHRI JUSTICE SANJAY KUMAR

<u>WRIT PETITION NOs.21665, 30287, 30359, 31080, 31626 AND 33456 OF 2012</u>

DATED 30th JANUARY, 2015

<u>W.P.No.21665 of 2012</u>

Between:

A.Sudha Srinivas and others.

… Petitioners

And

The Andhra Pradesh State Road Transport Corporation,
Represented by its Vice Chairman and Managing Director,
Hyderabad, and others.

… Respondents

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<u>O R D E R</u>

The petitioners in this batch of cases are bus owners whose vehicles were given on hire along with drivers to the Andhra Pradesh State Road Transport Corporation (APSRTC) for running its services. However, deductions were sought to be made from the amounts payable to them by the APSRTC on the ground that such deductions were warranted towards provident fund contributions payable in respect of the drivers. It appears that the Provident Fund authorities enquired into the matter under Section 7-A of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (for brevity, 'the Act of 1952') and passed orders which went against the interest of the hired bus owners. The orders passed by the Provident Fund authorities were however challenged before the Employees' Provident Fund Appellate Tribunal at New Delhi and interim orders were granted by the Tribunal staying the operation of the orders under appeal.

While so, the APSRTC issued proceedings pursuant to the orders passed by the Provident Fund authorities directing deduction of amounts in purported compliance with the directions of the Provident Fund authorities. However, taking note of the fact that the matter was before the appellate Tribunal, which had already stayed the orders of the Provident Fund authorities, this Court granted interim orders directing the APSRTC not to effect any deductions from the amounts payable to the hired bus owners towards provident fund contributions payable in respect of the drivers provided by them. Vacate stay petitions have been filed in these cases by the APSRTC to vacate the said orders.

However, it is admitted by the learned counsel appearing on both sides that the appeals pending before the Employees' Provident Fund Appellate Tribunal, New Delhi, are still awaiting consideration and the orders of stay passed therein are still subsisting. As long as the stay orders are in force, the APSRTC cannot seek to give effect to the directions contained in the orders passed by the Provident Fund authorities, which had been stayed pending the appeal.

The writ petitions are accordingly allowed. The APSRTC shall not effect deductions from the amounts payable to the hired bus owners towards provident fund contributions payable in respect of the drivers provided by them until the disposal of the appeals pending before the Employees' Provident Fund Appellate Tribunal, New Delhi or until the stay granted therein is vacated. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

30th JANUARY, 2015
PGS