

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.8616 OF 2012

ORDER:

Heard Sri R.S.Murthy, learned counsel for the petitioner and Sri R.N.Reddy, learned standing counsel for respondents 1 to 3.

Bharat Sanchar Nigam Limited, represented by its Area Manager, Tolichoki, Hyderabad, is the petitioner. The petitioner assails the proceedings dated 15.12.2011 passed under Section 7-A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short 'the Act'). The 2nd respondent through the impugned proceeding called upon the petitioner to contribute 50% of PF dues for the personnel employed at the premises of petitioner.

One of the objections in the writ petition is that the personnel drafted by the 4th respondent for providing security services at the petitioner's premises are all ex-servicemen. The law provides for exemption from PF contribution. In spite of recording a categorical finding, the 1st respondent has apportioned the liability on the petitioner as well, and the proceedings impugned suffer from patent illegalities and contradictions and is liable to be set aside.

W.P.No.28585 of 2012 was at the instance of 4th respondent/ Security Service Provider to the petitioner. The said writ petition was filed assailing the very same proceeding i.e., 15.12.2011. Through a separate order, the proceeding dated 15.12.2011 was set aside. The reasons stated in the said order are applicable on all fours to the present writ petition as well.

Having regard to the consideration of fact in issue or law in this writ petition, by adopting the same reasoning, the impugned proceeding, insofar as petitioner is concerned, is set aside on the same terms and conditions.

The writ petition is, accordingly, allowed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

S.V.
BHATT, J

10th March, 2015

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