

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY**

**WRIT PETITION No.28987 of 2010**

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**DATE: 07.07.2015**

Between:

B.Durgaiah and others

...Petitioners

and

Central Power Distribution Company of  
Andhra Pradesh Limited and others

...Respondents

**COUNSEL FOR THE PETITIONERS : SRI B.A.PRAKASH REDDY**

**COUNSEL FOR RESPONDENTS 1 to 5 : SRI R.VINOD REDDY**

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY**

**WRIT PETITION No.28987 of 2010**

-

**ORDER:**

This Writ Petition is filed for a mandamus to declare the action of the respondents in not depositing EPF and ESI amounts to the credit of the petitioners' accounts as illegal and arbitrary.

The petitioners averred that they have been working as contract labourers under the control of respondents 3 to 5. That some of the petitioners have been working from the year 2000 and others have been working from the year 2008 onwards. The grievance of the petitioners is that the respondents have not opened EPF and ESI accounts though contributions towards such accounts are being deducted from their salaries. The petitioners therefore, sought for a mandamus to declare the action of the respondents in not depositing EPF and ESI amounts to the credit of their accounts as illegal and arbitrary.

No counter-affidavit is filed by any of the respondents.

At the hearing, Sri R.Vinod Reddy, learned Standing Counsel appearing for Southern Power Distribution Company Limited of Telangana State, which is successor to respondent No.1, submitted that there is no privity of contract between the petitioners and respondents and that the petitioners having been engaged by the contractor, the respondents have been paying wages payable to the petitioners to the contractor, who in turn is paying wages to the petitioners. He has further submitted that it is the responsibility of the contractor to ensure that the EPF and ESI accounts were opened and the amounts are duly credited to the said accounts.

Though the learned counsel for the petitioners has submitted that an obligation lies on the respondents to credit the contributions to the petitioners' accounts, no provision of law is brought to the notice of

this Court in support of his submission.

In the light of the above and in the absence of any statutory provision referred before this Court in support of the claim of the petitioners, no relief can be granted in favour of the petitioners.

The Writ Petition is accordingly dismissed.

As a sequel to dismissal of writ petition, WPMP.No.36938 of 2015 filed by the petitioners for interim relief is disposed of as infructuous.

**C.V.NAGARJUNA REDDY, J**

7<sup>th</sup> JULY, 2015.

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