

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.11174 of 2011

Date of Decision: 27.08.2015

M/s Amit Bidhal Coopratve Labour & Society Ltd. Bidhal

... Petitioner

Versus

Employee Provident Fund Commissioner & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Satbir Singh, Advocate, for
Ms. Promila Nain, Advocate,
for the petitioner.

Mr. Sandeep Goyal, Advocate,
for respondent No.1.

Mr. Sudhir Hooda, Advocate,
for respondents No.2 to 4.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

Mr. Sandeep Goyal appearing for the EPFC has drawn the attention of this Court to the incorrect translation of the order dated 29th July 2008 issued by the Regional Provident Fund Commissioner-II, Karnal addressed to the petitioner cooperative society informing it that the Employees Provident Fund & Misc. Provisions Act, 1952 ('the Act') though does not apply to cooperative societies as they stand excluded from the operation of the Act but yet applies to the petitioner society when it contracted to perform work for profit for an organization which is covered by the Act after it has supplied labourers to that organization and in lieu of providing of which services wages at fixed rate stood paid on receiving service charges. In that event, the EPF contributions are

payable and required to be deposited with the EPF organization. Unfortunately, in the translated copy of the letter appended as an annexure the words “not applicable” have been typed to give an impression to Court that the Act is not applicable while the position is quite the opposite when the original is read in Hindi and thus an incorrect translation has been used to obtain the interim order dated 4th July, 2011 on a false translation which completely changes the meaning of the letter against the petitioner. I would have taken a serious note of this deliberate mis-translation and initiated strict action had not the photocopy of the letter in original form in Hindi been on record virtually hidden from immediate sight at the end of the paper-book from where the trick played stands revealed and detected and brought to the notice of the court by the learned counsel for respondent No.1.

The petitioner has attempted to interfere with and deflect the course of administration of justice by using an incorrect translation to obtain notice of motion in this case. Therefore, the petitioner has not come to court with clean hands. It is now patent that petition presented is also devoid of merit and is, accordingly, dismissed.

Since the counsel engaged is not present and the learned counsel for the respondent EPF organization insists that impure record in wrong translation should not be left standing on judicial record even for a moment longer, I have considered the matter and the submission and am convinced that but for the juggled English translation of the order/letter 29th July 2008 the petitioner has no case to urge on merits as well. The request for yet another adjournment made by Mr. Satbir Singh, Advocate, on behalf of the counsel for the petitioner is not a good thing to do and

stands rejected. There is nothing any counsel can do to save the case from dismissal when deceit practiced has come to light. This was a fit case for imposing exemplary costs but I refrain from doing so in the absence of counsel for the petitioner who has sought in this case adjournments after adjournments and still expects more to come for the asking.

The petition is dismissed.

27.08.2015
monika

(RAJIV NARAIN RAINA)
JUDGE