

CWP No.12326 of 2012 (O&M)

[1]

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

**CWP No.12326 of 2012 (O&M)
Date of decision:29.05.2015**

M/s Sachdeva Maternity & General Hospital

...Petitioner

Versus

Presiding Officer,
Employees Provident Fund Appellate Tribunal & anr.

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. A.K.Chandok, Advocate,
for the petitioner.

Mr. Rajesh Hooda, Advocate,
for respondent no.2.

Rakesh Kumar Jain, J.

The petitioner has challenged the order dated 01.09.2011 passed by the Employees' Provident Fund Appellate Tribunal, New Delhi, whereby order passed by the Assistant Provident Fund Commissioner under Section 7-A of the Employees' Provident Funds and Misc. Provisions Act, 1952, directing the petitioner to deposit the dues, has been upheld.

After hearing detailed arguments on 07.05.2015, this Court had passed the following order:-

“The dispute in this case is as to whether there were more than 20 employees in the establishment of the petitioner when it was raided by the squad and procedure were carried out under Section 7-A of the Employees'

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Provident Fund and Misc. Provisions Act, 1952 (for short, "the Act"). While recording the findings, proceedings were carried out under Section 7-A of the Act and the Assistant Commissioner has recorded that *"And it is sufficient proof when the proprietor of the firm who is a Doctor put signatures on the list of 21 employees"*. This finding goes a long way against the petitioner, if it is correct, but at present counsel for the respondent is not having the said document. He prays for short adjournment in order to produce the record.

Adjourned to 29.05.2015.

Respondent is directed to produce the entire record of this case."

In response to the aforesaid order, respondent no.2 has produced the record today in the Court from which I have found that the petitioner had himself verified the contents of the coverage proforma-cum-inquiry report.

Counsel for the petitioner has failed to give any plausible answer as to why did he sign the verification if there were not 21 employees.

Since, after perusal of the record there is no dispute about the fact that there were 21 employees in the establishment of the petitioner, I do not find any error in the impugned order.

Consequently, the present writ petition is dismissed being denuded of any merit.

May 29, 2015
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(Rakesh Kumar Jain)
Judge