

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

Civil Writ Petition No.19281 of 2010
Date of Decision: July 21, 2015

S.S.D.Girls College, Amrik Singh Road, Bathinda

...Petitioner

Versus

Regional Provident Fund Commissioner, Bathinda & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.Chander Shekhar, Advocate,
for the petitioner.

Mr.Sanjay Tangri, Advocate,
for the respondents.

AMIT RAWAL, J. (Oral)

The challenge in the present writ petition is to the order dated 2.5.2005 (Annexure P-1) and 19.5.2010 (Annexure P-3), whereby the appeal filed against the order Annexure P-1, has been dismissed.

Mr.Chander Shekhar, learned counsel appearing on behalf of the petitioner submits that the petitioner-College is an Educational Institute affiliated with Punjabi University, Patiala and the College was brought within the purview of the provisions of Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short "the Act") w.e.f. 31.3.1982 and the compliance of the provisions was made w.e.f. 28.1.1992 starting

from September, 1991 after the receipt of instructions from the Punjab Government. The College had been making regular compliance of the contribution for the period in question and, therefore, no order could have been passed under Section 7Q and 14B of the Act.

Mr.Sanjay Tangri, learned counsel appearing on behalf of the respondents submits that since the College had failed to make contribution, therefore, the order under Section 7Q of the Act was passed and in consequence thereof, the provisions of Sections 7Q and 14B of the Act were invoked and the petitioner has not given any explanation for not depositing the contribution in time and, therefore, had to pay the interest and damages as per the aforementioned provisions.

I have heard the learned counsel for the parties and appraised the paper book.

Though the petitioner-College has admitted that there was a procedural difficulty in making the payment, but the fact remains that such difficulty does not entitle the Management to avoid liability under Sections 7Q and 14B of the Act. Since it is an admitted matter that the petitioner-College did not make the payment, as a necessary consequence the order under Section 7A of the Act was passed, which, though has been complied with. Since there was a delay in making the contribution, the Regional Provident Fund Commissioner invoked the provisions of Sections 7Q and 14B of the Act, which are mandatorily required to be complied with on account of failure to deposit the contribution. The Appellate Authority has decided the appeal of the petitioner on the basis of the facts and law and the order passed by the Regional Provident Fund Commissioner by invoking

the provisions of Sections 7Q and 14B of the Act was in consonance with the provisions of the Act. No fault can be found with the findings. The petitioner has not been able to give any explanation for avoiding of the liability under Sections 7Q and 14B of the Act.

In view of what has been observed above, the writ petition is dismissed.

July 21, 2015
ramesh

(AMIT RAWAL)
JUDGE