

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.18565 of 2015 (O&M)

Date of Decision: 06.10.2015

The Sherpur Golid Co-op. Labour
& Construction Society Ltd. and others

... Petitioners

Versus

State of Punjab and others

... Respondents

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

Present: Mr. Sanjeev Pandit, Advocate,
for the petitioners.

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

RAJIV NARAIN RAINA, J.

All that the show cause notice does is to call upon the petitioners to cooperate with the EPF organization in the inquiry contemplated under section 7-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 ("1952 Act"). If arrest warrants have been issued they are aimed at only compelling the petitioner-society to come forth and join the inquiry under the 1952 Act to determine the amount due, if any. No adverse order has been passed against the petitioners and none has been annexed with the petition. The writ is highly premature at the stage brought. It is also not maintainable in writ jurisdiction when alternative remedy is available to them.

The petitioners are at liberty to explain their position and claim exemption from the Act on the strength of production of original record

showing that the cooperative society is protected by the ingredients of section 16(1) (a) of the 1952 Act and demonstrating that it has less than 50 members on board who cooperate with each other to produce goods and services without the aid of power.

With the above observations, the petition stands disposed of with liberty to the petitioner to avail its statutory remedies before the EPF authorities.

(RAJIV NARAIN RAINA)
JUDGE

06.10.2015
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