

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2245 of 2013

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The Regional Provident Fund Commissioner, Employees Provident Fund
Organization Regional Office, Bhavisyanidhi Bhawan, R-Block, Road No. 6, P.S.
Sachiwalaya, Distt - Patna

.... Petitioner

Versus

M/S Rozy Sweets & Cheat, through its Proprietor, Sri Amanpreet Singh Gandhi
S/O not known Nala Road, Patna

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Advocate

For the Respondent/s : Mr. M. P. Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 30-10-2017

Heard Mr. Jai Prakash Verma, learned counsel for the
petitioner and Mr. M. P. Srivastava, learned counsel for the
respondent.

2. The petitioner, who was respondent before the
Employees' Provident Fund Appellate Tribunal (for short 'the
Tribunal') has filed the present writ petition before this Court for
quashing the order dated 17.08.2011 passed by the Tribunal whereby
the appeal filed before the Tribunal by the respondent-petitioner
under the Employees' Provident Fund and Miscellaneous Provisions
Act, 1952 (for short 'the Act') has been allowed by the Tribunal and



the order passed under Section 7A of the Act by the Assistant Provident Fund Commissioner, Bihar, Patna dated 26.11.2013 has been set aside.

3. It would be manifest from the order dated 17.08.2011 passed by the Appellate Tribunal that the employer had filed attendance register, which shows that it had engaged five employees only. However, the authority under the Act was of the view that apart from five permanent employees, the employer had also engaged 15 casual employees and, thus, the authority under Section 7A of the Act directed the respondent employer to deposit employee provident fund due. The Tribunal after having gone through the record has categorically held that there is no material on record to hold that the staff strength of the employer/establishment was 20 or more and the Act is applicable to it.

4. Having seen the finding on fact recorded by the Appellate Tribunal, I see no illegality in the order. Accordingly, the writ petition, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.11.2017
Transmission Date	NA

