IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.922 of 2014
IN
Civil Writ Jurisdiction Case No. 8991 of 2010

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1. The Bihar State Scheduled Caste Co-operative Development Corporation Limited through its Managing Director Sri Prabhat Kr. Sah S/o late Chandradeep Sah presently Managing Director Sri Hem Chandra Prasad S/o Sri Ram Krishna having office at 'Malayanil' Bhawan, Buddha Colony, Patna - 800001.

.... Appellant/s

Versus

1. The Employees Provident Fund Organization through its Commissioner having its Regional Office at BHAWISHYA NIDHI BHAWAN, R-Block, Road No - 6 Patna - 800001.
2. The Employees Provident Fund Appellate Tribunal (EPFAT) through its Registrar, having office at (Ministry of Labour and Employment, Government of India, Scope Minar, Core - II 4th Floor, Laxmi Nagar District Centre, Laxmi Nagar, New Delhi - 110092).
3. The Assistant Provident Fund Commissioner (C), Employees Provident Fund Organisation, Regional Office at BHAWISHYA NISHI Bhawan, R-Block, Road No - 6, Patna - 800001.
4. The State of Bihar
5. Ram Chandra Prasad S/o Late Kamlesh Prasad, R/o Village Nowsahra, P.S. Ghoshi, District Jehanabad, General Secretary, Sangharshsheel Karamchari Sangh, Bihar State Scheduled Caste Cooperative Development Corporation Limited.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Prasoon Sinha, Advocate
For Respondents 1 to 3 : Mr. P.K.Verma, Sr. Advocate
For Respondent No.5. : Mr Rajesh Prasad Choudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)
Date: 10-05-2017

Heard counsel for the appellant and counsel for the intervener as well as the Provident Fund Commissioner.

2. The present predicament of the appellant is their own doing. If they do not know how to comply with the law, then the fallout of non- compliance is bound to be there, today or tomorrow.

3. The issue is the demand made by the Employees Provident Fund authorities, which was raised against the appellant, because they are not complying by making deductions and contributions on behalf of the employees and therefore, a welfare legislation meant for low paid employees was frustrated. Since it is well known principle that lack of knowledge of law can neither be a defence nor the plea that the appellant Corporation is in financial distress, therefore, the Corporation has lost the legal battle right from Assistant Provident Fund Commissioner, Provident Fund Appellate Tribunal, New Delhi, the Writ Court and the LPA Court in the previous round of battle. All this only adds up and gets loaded against the present appellant because they cannot be given the benefit of exemption under law on grounds which have not even been envisaged in the Employees Provident Fund Act.

4. In this round of battle, the learned Single Judge has refused to extend any kind of protection so far as compliance is concerned. However, leeway was granted that deposit may be made in easy installment for payments of the contributions. The Court, therefore, does not find any illegality in refusal of the learned Single Judge vide his order dated 10.9.2012 to extend any judicial umbrella or protection to the appellant from compliance with the law.

5. No amount of hardship can bail the appellant out of the present situation. The rigors of law will kick in and the

compliance has to be there.

6. The submission of the learned counsel that prior to the termination of some of the employees, no contribution was collected from them and, therefore, they should be given liberty to recover their contribution even now.

7. The termination was effected in the year 2001. We are in the year 2017. How the Corporation would like to make recovery after 16 years of termination is not understood or explained to the Court. However, such issue is for the Corporation to sort out but the obligation of the Corporation to deposit the sum so raised by the Assistant Provident Fund Commissioner, Patna and the obligation of the Employees, Provident Fund organization to settle the claim of the employees, who were made beneficiaries, subsists and must be implemented and carried out.

The appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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