

Panna Lal Jain

...Petitioner

Vs.

**Presiding Officer, Employees Provident Fund Appellate Tribunal &
another**

...Respondents

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

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

Mr. Sanjay Tangri, Advocate
for respondent No.2

RAJIV NARAIN RAINA, J. (Oral)

There is no palpable error apparent on the face of the record in the order of the Employees Provident Fund Appellate Tribunal, New Delhi. This Court had crystallized the issue arising in this case in the order dated 23.03.2015 which is reproduced below:-

“The petitioner is aggrieved against the order dated 22.10.2009, passed in the proceedings initiated under Section 7-A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short, 'the Act') on a complaint filed by the All India Food and Allied Workers Union and the order dated 13.09.2011 passed by the Employees Provident Fund Appellate Tribunal, New Delhi, dismissing the appeal of the petitioner.

Counsel for the petitioner has submitted that the petitioner has deposited the EPF @24 paisa per bag of 35

to 50 Kg on account of unloading, in terms of the agreement dated 3.09.2007(Annexure P-6). It is also submitted that the petitioner has received @47 paisa per bag towards labour charges from the Government agency, whereas the respondent has assessed the EPF charges @0.43 paisa per bag. The entire case of the petitioner is that the major activity carried out by his firm is of unloading for which 24 paise per bag was fixed in the agreement whereas the respondents have charged the EPF @ 0.43 paisa per bag for both loading and unloading.

Counsel for the petitioner has further submitted that out of the total amount payable of ₹ 4,77,554/- a sum of ₹ 1,91,022/- constituting 40% of the aforesaid amount has already been deposited under the order passed by the appellate authority.

In order to appreciate the work done by the counsel for the petitioner, it would be appropriate if a chart is provided to the Court by the petitioner of the work done by his firm for loading and unloading and the amount received.

Adjourned to 30.07.2015.

Let the needful be done on or before the next date of hearing.”

In response to the direction issued, a chart has been produced at Annex P.16 with CM No 10858 of 2015 where there is an admission by the petitioning party that they had charged 0.47 paisa or more per bag from the various Government food agencies. The petitioner is a labour contractor running his business of loading and unloading food grain in bags.

In view of the chart no question of law requires to be decided in this case which is based on pure facts. It cannot be said that the orders of Tribunal suffer from non-application of mind and therefore deserves interference. The Tribunal remains within its jurisdiction and exercised

objective assessment of facts available on record in passing a short reasoned order and was not obliged to write a thesis in appeal. The Learned Tribunal properly reviewed the work of the lower authorities in reaching its conclusions.

I find no ground to interfere in this case. The petition fails and is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

19.01.2017
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>