

THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT APPEAL No.1053 of 2018

JUDGMENT: (Per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)

We have heard the learned Senior Counsel Sri Vedula Venkata Ramana appearing for the appellant and the learned Counsel appearing for the respondents/Employees Provident Fund Organization.

2. This appeal is against an interlocutory order passed in writ jurisdiction.

3. The issue between the parties before the learned single Judge appears to be as to whether the definition of “basic wages” would include the City Compensatory Allowance and Post Allowance. Noticing the plea of the Employees Provident Fund Organization that there is an alternative efficacious remedy in the form of statutory appeal, learned single Judge has exercised his jurisdiction to entertain the Writ Petition and passed the impugned interlocutory order. We are of the view that the question raised by the writ petitioner may need a deeper look in the course of the Writ Petition and the question of coverage of the City Compensatory Allowance and Post Allowance needs to be adjudicated upon, since inclusion or exclusion of such components in the definition of “basic wages” in Section 2(b) of the Employees’ Provident Funds and

Miscellaneous Provisions Act, 1952, may have an impact on the jurisdiction of the competent authority under the said Act.

4. To secure the ends of justice, we are satisfied that it would only be appropriate to permit the appellant, which has paid all the EPF dues referable to the other components, to pay the amounts covered by the impugned interlocutory order in three equal monthly installments payable on or before the last working day of every month commencing from August, 2018. If there is any default in remitting any aforesaid installment, the benefit of this order will stand recalled automatically.

The Writ Appeal is, accordingly, ordered modifying the interim order to the aforesaid extent and clarifying that we have not expressed anything on the contention on the merits finally.

The miscellaneous petitions pending in this Writ Appeal, if any, shall stand closed. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

13.08.2018
vs