

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

214

**CRM-M-10770-2013 (O&M)
Date of Decision : 21.05.2018**

D.C.Mehandru and others

...Petitioners

Versus

Provident Fund Inspector (Enforcement Officer)

...Respondent

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CRM-M-10771-2013 (O&M)

D.C.Mehandru and others

...Petitioners

Versus

Provident Fund Inspector (Enforcement Officer)

...Respondent

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CRM-M-10772-2013 (O&M)

D.C.Mehandru and others

...Petitioners

Versus

Provident Fund Inspector (Enforcement Officer)

...Respondent

4

CRM-M-10773-2013 (O&M)

D.C.Mehandru and others

...Petitioners

Versus

Provident Fund Inspector (Enforcement Officer)

...Respondent

5

CRM-M-10774-2013 (O&M)

D.C.Mehandru and others

...Petitioners

Versus

Provident Fund Inspector (Enforcement Officer)

...Respondent

6

CRM-M-10775-2013 (O&M)

D.C.Mehandru and others

...Petitioners

Versus

Provident Fund Inspector (Enforcement Officer)

...Respondent

7

CRM-M-10776-2013 (O&M)

D.C.Mehandru and others

...Petitioners

Versus

Provident Fund Inspector (Enforcement Officer) ...Respondent

8 CRM-M-10777-2013 (O&M)

D.C.Mehandru and others ...Petitioners

Versus

Provident Fund Inspector (Enforcement Officer) ...Respondent

9 CRM-M-10778-2013 (O&M)

D.C.Mehandru and others ...Petitioners

Versus

Provident Fund Inspector (Enforcement Officer) ...Respondent

10 CRM-M-10779-2013 (O&M)

D.C.Mehandru and others ...Petitioners

Versus

Provident Fund Inspector (Enforcement Officer)
...Respondent

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CRM-M-10780-2013 (O&M)

D.C.Mehandru and others
...Petitioners

Versus

Provident Fund Inspector (Enforcement Officer)
...Respondent

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CRM-M-10781-2013 (O&M)

D.C.Mehandru and others
...Petitioners

Versus

Provident Fund Inspector (Enforcement Officer)
...Respondent

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CRM-M-10782-2013 (O&M)

D.C.Mehandru and others
...Petitioners

Versus

Provident Fund Inspector (Enforcement Officer)
...Respondent

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CRM-M-10783-2013 (O&M)

D.C.Mehandru and others

...Petitioners

Versus

Provident Fund Inspector (Enforcement Officer)

...Respondent

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CRM-M-10784-2013 (O&M)

D.C.Mehandru and others

...Petitioners

Versus

Provident Fund Inspector (Enforcement Officer)

...Respondent

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CRM-M-10785-2013 (O&M)

D.C.Mehandru and others

...Petitioners

Versus

Provident Fund Inspector (Enforcement Officer)

...Respondent

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CRM-M-10786-2013 (O&M)

D.C.Mehandru and others
...Petitioners

Versus

Provident Fund Inspector (Enforcement Officer)
...Respondent

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CRM-M-10787-2013 (O&M)

D.C.Mehandru and others
...Petitioners

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Provident Fund Inspector (Enforcement Officer)
...Respondent

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CRM-M-10788-2013 (O&M)

D.C.Mehandru and others
...Petitioners

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Provident Fund Inspector (Enforcement Officer)
...Respondent

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CRM-M-10789-2013 (O&M)

D.C.Mehandru and others

...Petitioners

Versus

Provident Fund Inspector (Enforcement Officer)

...Respondent

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CRM-M-10790-2013 (O&M)

D.C.Mehandru and others

...Petitioners

Versus

Provident Fund Inspector (Enforcement Officer)

...Respondent

22

CRM-M-10791-2013 (O&M)

D.C.Mehandru and others

...Petitioners

Versus

Provident Fund Inspector (Enforcement Officer)

...Respondent

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CRM-M-10792-2013 (O&M)

D.C.Mehandru and others

...Petitioners

Versus

Provident Fund Inspector (Enforcement Officer) ...Respondent

24 CRM-M-10793-2013 (O&M)

D.C.Mehandru and others ...Petitioners

Versus

Provident Fund Inspector (Enforcement Officer) ...Respondent

25 CRM-M-10794-2013 (O&M)

D.C.Mehandru and others ...Petitioners

Versus

Provident Fund Inspector (Enforcement Officer) ...Respondent

26 CRM-M-10795-2013 (O&M)

D.C.Mehandru and others ...Petitioners

Versus

Provident Fund Inspector (Enforcement Officer) ...Respondent

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CRM-M-10796-2013 (O&M)

D.C.Mehandru and others

...Petitioners

Versus

Provident Fund Inspector (Enforcement Officer)

...Respondent

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CRM-M-17455-2013 (O&M)

Jatinder Paul

...Petitioner

Versus

Provident Fund Inspector and others

...Respondents

29

CRM-M-17456-2013 (O&M)

Jatinder Paul

...Petitioner

Versus

Provident Fund Inspector and others

...Respondents

30

CRM-M-17457-2013 (O&M)

Jatinder Paul

...Petitioner

Versus

Provident Fund Inspector and others

...Respondents

31CRM-M-17458-2013 (O&M)

Jatinder Paul

...Petitioner

Versus

Provident Fund Inspector and others

...Respondents

32CRM-M-17459-2013 (O&M)

Jatinder Paul

...Petitioner

Versus

Provident Fund Inspector and others

...Respondents

33CRM-M-17460-2013 (O&M)

Jatinder Paul

...Petitioner

Versus

Provident Fund Inspector and others

...Respondents

34CRM-M-17461-2013 (O&M)

Jatinder Paul

...Petitioner

Versus

Provident Fund Inspector and others

...Respondents

35CRM-M-17462-2013 (O&M)

Jatinder Paul

...Petitioner

Versus

Provident Fund Inspector and others

...Respondents

36 CRM-M-17463-2013 (O&M)

Jatinder Paul

...Petitioner

Versus

Provident Fund Inspector and others

...Respondents

37 CRM-M-17465-2013 (O&M)

Jatinder Paul

...Petitioner

Versus

Provident Fund Inspector and others

...Respondents

38 CRM-M-17466-2013 (O&M)

Jatinder Paul

...Petitioner

Versus

Provident Fund Inspector and others

...Respondents

39 CRM-M-17467-2013 (O&M)

Jatinder Paul

...Petitioner

Versus

Provident Fund Inspector and others

...Respondents

40

CRM-M-17470-2013 (O&M)

Jatinder Paul

...Petitioner

Versus

Provident Fund Inspector and others

...Respondents

41

CRM-M-17471-2013 (O&M)

Jatinder Paul

...Petitioner

Versus

Provident Fund Inspector and others

...Respondents

42

CRM-M-17472-2013 (O&M)

Jatinder Paul

...Petitioner

Versus

Provident Fund Inspector and others

...Respondents

43

CRM-M-17473-2013 (O&M)

Jatinder Paul

...Petitioner

Versus

Provident Fund Inspector and others
...Respondents

44 CRM-M-17474-2013 (O&M)

Jatinder Paul
...Petitioner

Versus

Provident Fund Inspector and others
...Respondents

45 CRM-M-17475-2013 (O&M)

Jatinder Paul
...Petitioner

Versus

Provident Fund Inspector and others
...Respondents

46 CRM-M-17476-2013 (O&M)

Jatinder Paul
...Petitioner

Versus

Provident Fund Inspector and others
...Respondents

47 CRM-M-17477-2013 (O&M)

Jatinder Paul
...Petitioner

Versus

Provident Fund Inspector and others

...Respondents

47

CRM-M-17478-2013 (O&M)

Jatinder Paul

...Petitioner

Versus

Provident Fund Inspector and others

...Respondents

49

CRM-M-17479-2013 (O&M)

Jatinder Paul

...Petitioner

Versus

Provident Fund Inspector and others

...Respondents

50

CRM-M-17480-2013 (O&M)

Jatinder Paul

...Petitioner

Versus

Provident Fund Inspector and others

...Respondents

51

CRM-M-17481-2013 (O&M)

Jatinder Paul

...Petitioner

Versus

Provident Fund Inspector and others

...Respondents

52 CRM-M-17482-2013 (O&M)

Jatinder Paul ...Petitioner

Versus

Provident Fund Inspector and others ...Respondents

53 CRM-M-17483-2013 (O&M)

Jatinder Paul ...Petitioner

Versus

Provident Fund Inspector and others ...Respondents

54 CRM-M-18389-2013 (O&M)

Jatinder Paul ...Petitioner

Versus

Provident Fund Inspector and others ...Respondents

55 CRM-M-25631-2013 (O&M)

S.S.Virdi ...Petitioner

Versus

Provident Fund Inspector, Chandigarh ...Respondents

56

CRM-M-25632-2013 (O&M)

S.S.Virdi

...Petitioner

Versus

Provident Fund Inspector, Chandigarh

...Respondents

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CRM-M-25633-2013 (O&M)

S.S.Virdi

...Petitioner

Versus

Provident Fund Inspector, Chandigarh

...Respondents

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CRM-M-25634-2013 (O&M)

S.S.Virdi

...Petitioner

Versus

Provident Fund Inspector, Chandigarh

...Respondents

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CRM-M-25635-2013 (O&M)

S.S.Virdi

...Petitioner

Versus

Provident Fund Inspector, Chandigarh

...Respondents

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CRM-M-25636-2013 (O&M)

S.S.Virdi

...Petitioner

Versus

Provident Fund Inspector, Chandigarh

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CRM-M-25637-2013 (O&M)

S.S.Virdi

...Respondents

...Petitioner

Versus

Provident Fund Inspector, Chandigarh

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CRM-M-25638-2013 (O&M)

S.S.Virdi

...Respondents

...Petitioner

Versus

Provident Fund Inspector, Chandigarh

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CRM-M-25639-2013 (O&M)

S.S.Virdi

...Respondents

...Petitioner

Versus

Provident Fund Inspector, Chandigarh

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CRM-M-25640-2013 (O&M)

S.S.Virdi

...Respondents

...Petitioner

Versus

Provident Fund Inspector, Chandigarh
...Respondents

65 **CRM-M-25641-2013 (O&M)**

S.S.Virdi
...Petitioner

Versus

Provident Fund Inspector, Chandigarh
...Respondents

66 **CRM-M-25642-2013 (O&M)**

S.S.Virdi
...Petitioner

Versus

Provident Fund Inspector, Chandigarh
...Respondents

67 **CRM-M-25643-2013 (O&M)**

S.S.Virdi
...Petitioner

Versus

Provident Fund Inspector, Chandigarh
...Respondents

68 **CRM-M-25644-2013 (O&M)**

S.S.Virdi
...Petitioner

Versus

Provident Fund Inspector, Chandigarh
...Respondents

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CRM-M-25645-2013 (O&M)

S.S.Virdi

...Petitioner

Versus

Provident Fund Inspector, Chandigarh

...Respondents

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CRM-M-25646-2013 (O&M)

S.S.Virdi

...Petitioner

Versus

Provident Fund Inspector, Chandigarh

...Respondents

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CRM-M-25647-2013 (O&M)

S.S.Virdi

...Petitioner

Versus

Provident Fund Inspector, Chandigarh

...Respondents

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CRM-M-25648-2013 (O&M)

S.S.Virdi

...Petitioner

Versus

Provident Fund Inspector, Chandigarh

...Respondents

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CRM-M-25649-2013 (O&M)

S.S.Virdi

...Petitioner

Versus

Provident Fund Inspector, Chandigarh

...Respondents

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CRM-M-25650-2013 (O&M)

S.S.Virdi

...Petitioner

Versus

Provident Fund Inspector, Chandigarh

...Respondents

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CRM-M-25651-2013 (O&M)

S.S.Virdi

...Petitioner

Versus

Provident Fund Inspector, Chandigarh

...Respondents

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CRM-M-25652-2013 (O&M)

S.S.Virdi

...Petitioner

Versus

Provident Fund Inspector, Chandigarh

...Respondents

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CRM-M-25653-2013 (O&M)

S.S.Virdi

...Petitioner

Versus

Provident Fund Inspector, Chandigarh

...Respondents

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CRM-M-25654-2013 (O&M)

S.S.Virdi

...Petitioner

Versus

Provident Fund Inspector, Chandigarh

...Respondents

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CRM-M-25655-2013 (O&M)

S.S.Virdi

...Petitioner

Versus

Provident Fund Inspector, Chandigarh

...Respondents

80

CRM-M-25656-2013 (O&M)

S.S.Virdi

...Petitioner

Versus

Provident Fund Inspector, Chandigarh

...Respondents

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CRM-M-25657-2013 (O&M)

S.S.Virdi

...Petitioner

Versus

Provident Fund Inspector, Chandigarh

...Respondents

CORAM: HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present: Mr. Vikash Mohan Gupta, Advocate and
Mr. A.S.Grewal, Advocate for
Mr. Jatinder Paul Singh, Advocate for the petitioners.

Mr. Rajesh Hooda, Advocate for the respondents.

P.B. BAJANTHRI, J.(ORAL)

This order shall dispose of the aforementioned 81 petitions. However, for convenience and clarity, facts are being taken from petition bearing No. CRM-M-10770-2013.

2. In the present petition, petitioners have challenged complaint dated 30.10.2010 (Annexure P-8) stated to have been registered on 23.02.2011 and order dated 21.05.2012 against one Sh. Tarlochan Singh, the then Managing Director M/s Samsung Acrycot, Village Samalheir, P.O. Dappar, District Mohali by the respondent-Provident Fund Inspector (Enforcement Officer) before Judicial Magistrate Ist Class, Derabasi for the offences under Sections 6, 14 (1-A), 14A(1) of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 read with Para 30, 38 and 76 (d) of the Employees Pension Scheme, 1952. After examination of the complaint and other material, JMIC, Derabasi proceeded to issue summons to the petitioners on 21.05.2012 (Annexure P-11).

3. Learned counsel for the petitioner submitted that complaint is

against one Sh. Tarlochan Singh, the then Managing Director M/s Samsung Acrycot whereas petitioners are Directors/Deputy General Manager of Punjab State Industrial Development Corporation. Merely because there were transactions between the Punjab State Industrial Development Corporation and M/s Samsung Acrycot unnecessarily petitioners have been involved in respect of deciding the complaint of the respondent against Sh. Tarlochan Singh for want of whereabouts of Tarlochan Singh and so also non-existence of M/s Samsung Acrycot. Learned counsel for the petitioners submitted that petitioners are nowhere concerned in respect of complaint against Mr. Tarlochan Singh or against M/s Samsung Acrycot. Unnecessarily they have been summoned by the JMIC, Derabasi. Further it was contended that for taking any action or to act upon a complaint against any person under the EPF Act, under Section 14(1-A) of EPF Act is required to be complied by the competent authority to the extent of obtaining sanction from the Central Provident Fund Commissioner. As is evident from the record compliance have been made in respect of complaints under Section 14(AC) insofar as Tarlochan Singh is concerned. At the same time, there is no such compliance to the aforesaid Section in respect of the petitioners are concerned. Therefore, impugned summoning order dated 21.05.2012 (Annexure P-11) qua the petitioners is liable to be set aside. It was also submitted that during pendency of the present petition, one Sh. Tej Partap Singh Yadav AFPC, Legal, Regional Office EPFO, SCO 4-7, Sector 17-D, Chandigarh has filed an affidavit to the extent that there is no compliance to Section 14(AC) of EPF Act insofar as petitioners are concerned.

4. Learned counsel for the respondent fairly submitted that

affidavit has been filed to the effect that there is mandatory non-compliance of the EPF Act to the extent of obtaining sanction to file complaint insofar as petitioners are concerned.

5. Heard the learned counsel for the parties.

6. In view of the legal lacuna in not obtaining sanction before proceeding with the complaint against the petitioners with reference to 14 (AC) of the EPF Act, impugned summoning order dated 21.05.2012 do not sustain in the eye of law. Accordingly, summoning order dated 21.05.2012 (Annexure P-11) qua the petitioners is set aside. Reserving liberty to the petitioners as well as respondent to take appropriate recourse in view of the quashing of the summoning order dated 21.05.2012.

21.05.2018
pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No