

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 27.11.2018****CWP No.27628 of 2017 (O&M)**

Jalandhar Wine Salesman and Labour Employees Union, Jalandhar

...Petitioner

Vs.

Union of India & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Vikram Rathore, Advocate, for the petitioner.

Mr. Rajesh Hooda, Advocate, for respondents No.2 to 5.

RAJIV NARAIN RAINA, J. (ORAL)

1. The instant petition has been filed by the Jalandhar Wine Salesman and Labour Employees' Union, Jalandhar seeking directions to respondents No.3 to 5 i.e. Regional Commissioners, Employees Provident Fund Organization at Bathinda, Ludhiana and Amritsar to decide the representations dated 01.05.2017, 12.06.2017 & 05.09.2017 moved by the petitioning Union to the respective regions for redressing their grievances.

2. Briefly, the case of the petitioning Union is that its members, list of which has been supplied by various liquor contractors in different districts, where Union representatives worked in Wine shops under different Contractors, the Contractors/employers do not make contributions towards their provident fund accounts for want of coverage under the Employees' Provident Funds & Miscellaneous Provisions Act, 1952. A list of the employees submitted before the Provident Fund Commissioners has been

placed on record as Annex P-16 (colly.) by way of CM No.18685 of 2017. They submit that their services are covered under the Act, 1952. Separate representations have been addressed to the authorities concerned but no attention has been paid to them. They have sought coverage under the EPF Act and scheme framed there under for Wine Contractors and their employees.

3. Learned counsel for the petitioning Union submits that the issue deserves to be paid attention to by the authorities so that their services are organized and their future secured under the protective umbrella of the socially beneficial provisions of the 1952 Act for a disorganized section of workers.

4. Accordingly, a direction is issued to respondents No.3 to 5 to immediately take up the representation/s in the respective regions to work together and call upon the Contractor/s under whom members of the Union work and see whether the liquor contractors are to be brought under the coverage of the Act, if not already. The President and the Executive Members of the Union should also be called by the respective Regional Commissioners and hear their grievances attentively with the spirit to find solutions, examine them meticulously and take such steps as are deemed necessary.

5. The first meeting shall be convened by the Regional Provident Fund Commissioner/s of their respective jurisdictions; confer with each other to avoid conflict of decisions, within 15 days from the date of receipt of a certified copy of this order to take further proceedings. The Union is free to get in touch with the Regional Provident Fund Commissioner concerned for fixing date, time and venue of the first meeting so that further

steps can be taken on the three representations expeditiously. It is expected that the final decision in the matter on coverage be taken preferably with four months after the first meeting. In case, the contractors/employers are required to be covered, then they may be called upon to make compliance of the law.

6. With these observations and directions, the petition stands disposed of.

27.11.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>