

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

COCN No. 679 of 2016

Date of Decision: 22.07.2019

Bhawanigarh Paledar Mazdoor Dal

.....Petitioner

Versus

K.S. Pannu and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. K.S. Dadwal, Advocate and
Ms. Neha Jain, Advocate
for the petitioner.

Mr. Ankit Aggarwal, Advocate and
Mr. Anupam Singla, Advocate
for respondents No. 1 and 2.

Mr. Sumit Jain, Advocate
for respondents No. 3 and 4.

Mr. Anil Sharma, Advocate
for respondents No. 5 and 6.

AVNEESH JHINGAN, J.(oral)

This contempt petition has been filed pleading wilful disobedience of order dated 8.1.2016 passed in CWP No. 19029 of 2015.

The operational part of the order is reproduced below:

"It has been stated in the reply that the entire payment due to the labourers on account of work performed by them regarding loading and unloading of bags, has been made after making statutory deductions.

As far as respondents No.3 and 4 is concerned, learned counsel submitted that the payment has been processed. The claimants have to submit their requisite forms. After these are submitted, the amount shall be disbursed to them within three weeks thereafter.

Learned counsel for the petitioner submitted that respondents No.5 and 6 have not deposited the provident fund with the Employees' Provident Fund Organisation.

Learned counsel for respondents No.5 and 6 submitted that the petitioner is to generate challan for deposit of PF. If the challan so generated is submitted in the office of respondent No.6, the amount shall be deposited within two weeks thereafter.

Learned counsel for the petitioner submitted that in view of the aforesaid stand taken by learned counsel for the respondents, nothing survives in the present petition and the same may be disposed of accordingly.

Ordered accordingly."

With regard to the first issue i.e. regarding payment to be made to the labourers for the work performed, it is not disputed that respondents No. 3 and 4 (as in the writ petition) have made payments with regard to the dues. However, the amount payable itself is disputed by learned counsel for the petitioner.

As there is factual dispute with regard to calculation of dues, the said aspect cannot be gone into the contempt proceedings. However, the petitioners would be at liberty to move a representation to the Managing Director, Punjab State Warehousing Corporation Ltd. (hereinafter referred to as 'the Corporation') with regard to the due amount and a detailed calculation be submitted within two weeks from today.

The Managing Director, Punjab State Warehousing Corporation Ltd. shall decide the representation in accordance with law after providing an opportunity of hearing to the petitioner. Needful shall be done as expeditiously as possible.

The second issue is with regard to contribution of the Corporation with regard to Employees' Provident Fund (EPF) learned counsel appearing for the Corporation submits that the Corporation has deposited

its due share to the extent of 75% of the basic rate vide cheque No.522244 dated 29.6.2019 for a sum of Rs.4,00,000/- drawn on State Bank of India.

In view of the said statement, learned counsel for the petitioner states that the dispute remains with regard to the percentage of EPF. The dispute is only of rate at which the EPF is to be deposited, he seeks liberty to avail remedy to raise the said dispute.

No cause of action survives calling for interference in the contempt petition. However, the petitioner would be at liberty to avail remedies as are available in accordance with law.

The contempt petition is disposed of in the above terms.

Rule issued against the respondents stands discharged.

22.07.2019

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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable:	No