

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

CWP No.2556 of 2000

Date of Decision:29.04.2019

Kishori Lal Sharma and others

...petitioners

Versus

National Fertilizers Limited and another

...respondents

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr.Rajat, Advocate for
Pt.Vinod Kumar Sharma, Advocate
for the petitioners

Mr.Vipin Mahajan, Advocate
for respondent No.1

Mr.Rajesh Hooda, Advocate
for respondent No.2

RAJIV NARAIN RAINA, J. (ORAL):

This petition was filed in the year 2000 by 14 contractors, challenging the order dated 11.12.1999 (Annex P1). The contractors were asked by the EPF Organisation to obtain independent EPF Account Code Number(s), while carrying out their respective contracts signed with the National Fertilizers Limited (for short, “NFL”)-respondent No.1. Accordingly, they were awarded contracts without imposing the condition of obtaining independent EPF Account Code Number(s).

Mr.Vipin Mahajan, learned counsel appearing on behalf of respondent No.1 has drawn the attention of this Court to Annex R1, stating therein that 02 of the 14 petitioners have complied with the condition of getting EPF Code Numbers. Since the orders of respondent No.1 have been complied with voluntarily, no cause of action remains. If 02 contractors

have complied with the condition, I see no reason why the same condition should not be fastened on the rest of the petitioners. As far as the EPF Organisation is concerned, Mr. Hooda, appearing for respondent No.2 states that at the relevant time, there was no provision of granting EPF Code Numbers to the contractors on account of the law that liability would in any case fall on the principal employer i.e. the NFL-respondent No.1. However, with the change of law by amendment to the Employees Provident Fund and Miscellaneous Provisions Act, 1952 and the rules framed thereunder and instructions issued by the Trustees in this regard, separate code numbers are being allotted to the contractors. In case, the rest of the petitioners have any grievance, they are free to approach the Regional Provident Fund Commissioner, Chandigarh for redressing grievances, in case they are still on board.

With these observations, the petition stands disposed of.

29.04.2019

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(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable-

Yes/No