

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

LPA No.1338 of 2015 (O&M)
Decided on : 20.02.2019

M/s Sachdeva Maternity & General Hospital

..... Appellant

Versus

Presiding Officer, EPFAT & anr.

..... Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Kamal Sehgal, Advocate
for the appellant.

Mr. Sandeep Goyal, Advocate
for respondent No.2.

Manjari Nehru Kaul, J.

CM-2844-LPA-2015

This is an application for condonation of delay of 60 days in filing the appeal. The application is duly supported by an affidavit of appellant.

For the reasons mentioned in the application, delay of 60 days in filing the appeal is condoned.

CM stands disposed of.

LPA-1338-2015

In this Intra Court appeal filed under Clause X of Letters Patent, the appellant assails the order dated 29.05.2015 passed by learned Single Judge.

2. The appellant-firm is a proprietorship-firm running a Maternity

and General Hospital. On 03.11.2004, the establishment of appellant-firm was brought under the ambit of Employees' Provident Funds and Misc. Provisions Act, 1952 (for brevity 'the Act') on the basis of report of squad of Enforcement Officers. Thereafter, in an action carried out under Section 7-A of the Act, respondent No.2 vide order dated 22.01.2010 directed the appellant-firm to comply with the provisions of the Act w.e.f. 26.10.2004. The said order was also upheld by the Appellate Authority vide order dated 01.09.2011. The appellant aggrieved by the said order filed CWP No.12326 of 2012. Learned Single Judge dismissed the writ petition by observing that there was no error in the impugned order and the record clearly reflected that there were 21 employees working in the appellant-firm.

3. Learned counsel for the appellant has contended that learned Single Judge failed to appreciate that two out of the 21 persons included in the list of employees of the appellant-firm i.e. Dr. Vipin Kohli and Dr. Veena Sachdeva were not the employees of the appellant-firm and hence, their inclusion in the list of employees was erroneous. Learned counsel further contended that even while filing an appeal before the Appellate Authority, a specific contention had been raised that the total staff strength of the appellant establishment had never crossed 15, hence, the provisions of the Act were not applicable to the appellant-firm.

4. We have heard learned counsel for the parties and perused the material available on record with their assistance.

5. A perusal of the record clearly reveals that the proprietor of the appellant-firm had himself verified the contents of the coverage proforma-cum-inquiry report. Once the proprietor of the firm, who is a doctor, had

himself signed and verified the report of Enforcement Officer, it stood proved and established that the appellant-firm had more than 21 employees working in its establishment on the date of raid by the E.O.Squad.

6. Consequently, we do not find any ground to interfere in the order passed by the learned Single Judge and dismiss the present appeal.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

20.02.2019

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No