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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.20770 of 2021

&

W.M.P.No.22031 of 2021

The Management,
Sanmina SCI India Pvt.Ltd.,
OZ-1, SIPCOT Hi-Tech SEZ,
Oragadam, Sriperumbudur Taluk,
Kancheepuram District - 602 105.

...Petitioner

-Vs-

1. Ministry of Labour and Employment,
Govt. of India, Shram Sakthi Bhavan,
Rafi Marg, New Delhi - 110 001.
2. Ministry of Human Resource Development/
Ministry of Education,
Govt. of India, New Delhi.
3. All India Council for Technical Education,
Nelson Mandela Marg,
Vasant Kunj, New Delhi - 110 070.
4. Central Provident Fund Commissioner - 1,
Employees Provident Fund Organisation,
Bhavishya Nidhi Bhawan,
14, Bhikaji Cama Place,
New Delhi - 110 066.
5. Regional Provident Fund Commissioner - 1,
Employees Provident Fund Organisation,
Regional Office, Ambattur,
R-40, A1, III Floor, TNHB Shopping
-cum- Office Complex,
Mogappair Road, Mogappair(East),
Chennai - 600 037.
6. M/s.BSA Corporation Ltd.,
18-20, Sukhvani Fortune,
Morwadi Road, Pimpri,
Pune - 411 018.

...Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, prayed to issue a writ of Mandamus to forbear the fifth respondent from proceeding further in the 7A proceedings bearing No. TN/RO-AMB/ 65416/CC/Area-9 /2019 against the petitioner company.

For Petitioner : Mr.C.Manohar Gupta

For R1 & 2 : Ms.P.J.Anitha

ORDER

The petitioner herein challenges the proceedings initiated by the fifth respondent under Section 7-A of the Employee Provident Funds and Miscellaneous Provisions Act, 1952, predominantly on the ground that the NEEM (National Employability Enhancement Mission) trainees are not liable to be covered under the provisions of the Employee Provident Funds and Miscellaneous Provisions Act.

2. The EPF Act is a self contained Act which prescribes the procedure to be adopted by the authority under the Act while determining the contributions payable by an employer. The Act also provides for extending due opportunity to the employer to put forth all their objections during such determination. That apart, there are provisions for review of the order under Section 7-B, as well as for an appeal to the Tribunal under Section 7-I of the Act as against the orders passed pursuant to the proceedings under Section 7-A. While that being so, it would be pre-matured for this Court to go into the question of applicability of the provisions of the Act to some of the employees of the petitioner, which question is now under adjudication by the fifth respondent.

3. It is needless to point out that all the grounds raised in the present writ petition are always open to the petitioner to raise before the authority and the outcome of the proceedings can be challenged by the petitioner, if it is against their interest, in the manner provided under the provisions of the Act. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar



hvk/ata

To

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Mogappair Road, Mogappair(East),
Chennai - 600 037.

+1cc to M/s.Gupta and Ravi, Advocate, S.R.No.49959

+1cc to M/s.P.J.Anitha, Advocate, S.R.No.50166

+1cc to the Government Pleader, S.R.No.50514

W.P.No.20770 of 2021

PCH[co]
NSK 12/10/2021