



W.P.No.30134 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.06.2023

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

W.P.No.30134 of 2014

and

M.P.No.1 of 2014

Vellore Corporation Contractors Association
No.9, I Floor, Vooresh Nursery School Compound,
Arani Road, Vellore - 01
Rep.by its Secretary.

...Petitioner.

Vs.

- 1.Secretary
Department of Ministry of
Labour and Employment
New Delhi.
- 2.The Commissioner
Employees Provident Fund Organization
Royapettah
Chennai - 600 014.
- 3.The Assistant Commissioner
Employees Provident Fund
Vellore.
- 4.The Commissioner
Vellore Corporation
Infantry Road
Vellore.

...Respondents.



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari calling for the records in connection with the notice dated 22.08.2014 bearing Na.Ka.N.P3/1900/2011 issued by the Fourth Respondent Corporation.

For Petitioner	:	Mr.S.Nedunchezhiyan
For Respondents	:	
For R2 & RR3	:	Mr.R.Thirumavukarasu
For R1	:	Mr.K.Ramu -NA-
For R4	:	Mr.P.Shanthi -NA-

ORDER

The learned counsel for the petitioner challenges the order of the 4th respondent Commissioner of Vellore whereby he had directed all the contractors who are working under him to pay the ESI and EPF dues.

2. The case of the petitioner association is that its members took contracts on tender. They employed persons numbering of less than 20. Therefore, its members are not covered under the EPF Act. As against the order of recovery passed in Na.Ka.N.P3/1900/2011 dated 06.03.2018 which directed recovery of EPF dues of Rs.27,82,874/-, this court held that the order is in violation of principles of natural justice and remanded the matter to the



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Commissioner, Vellore Corporation to decide the same after issuance of notice. Even in the present impugned order, it does not show that an opportunity had been given to the contractors. Therefore, following the order in W.P.No.7290 of 2018. I quash the impugned order and remit the matter to the 4th respondent who shall conduct an enquiry and fix the responsibility on individual contractors and not pass an order which covers all the contractors. The order must reflect application of mind. The Commissioner Corporation must be satisfied that the concerned contractor is due and liable to pay EPF and in case, despite the liability if the contractor has not paid the amount, he is at liberty to take steps against the said contractor.

3. Mr.Thirumavukarasu, learned counsel appearing for R2 & R3 would submit that the Vellore Corporation has remitted the entire sum due as to the EPF authorities. Now it is only a question of apportionment on the contractors, the said exercise shall be done within a period of 8 weeks. The impugned order is quashed. The matter is remitted to the 4th respondent. He shall conduct an enquiry and pass orders within a period of 12 weeks from the date of receipt of copy of this order.



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4. The writ petition stands allowed. Connected miscellaneous petition

is closed. No Costs.

08.06.2023

nst

Index : Yes/No

Speaking : Yes/No

Neutral Citation Case : Yes/No



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To:

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Department of Ministry of
Labour and Employment
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V.LAKSHMINARAYANAN,J
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