



W.P.No.1120 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED :03.09.2024

CORAM

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

**W.P.No.1120 of 2015**

**and**

**M.P.Nod. 2 and 3 of 2015**

Arul Sasthalaya Higher Secondary School,  
No. 30, Victoria Nagar, Ponagar,  
Reddiarpalayam,  
Puducherry – 605 010  
Rep by its Correspondent P.Valarmathi

... Petitioner

Vs.

1. The Regional Provident Fund Commissioner-I,  
The Employees Provident Funds,  
Tamil Nadu and Pondicherry,  
Old No. 20, New No. 37, Royapettah High Road,  
Chennai – 600 014.
2. The Regional Provident Fund Commissioner-II,  
The Employees Provident Fund Organisation,  
Sub-Regional Office,  
No. 101, 100 feet Road, Sree Venni Commercial  
Complex,  
Cholan Nagar, Puducherry – 605 004.



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3. The Sub Divisional Magistrate (North),  
Saram, Puducherry.

... 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 relating to the proceedings of the first respondent order TN/PC/885/Enf/Regl./99 dated 31.03.1999 and the third respondent order M.C. No. 23/2012 dated 04.11.2014 and quash the same.

For Petitioner : Mr. L.P.Balajiram

For Respondents : Mr. K.Srinivasamurthy,  
SPCGC (for R1 & R2)

### **ORDER**

This Writ Petition has been filed challenging the order dated 31.03.1999, passed by the first respondent, and the order dated 04.11.2014, passed by the third respondent, for setting aside the same.

2. Heard Mr.L.P.Balajiram, learned counsel for the petitioner and K.Srinivasamurthy, learned Senior Panel Central Government Counsel appearing for the first and second respondents and perused the materials available on record.



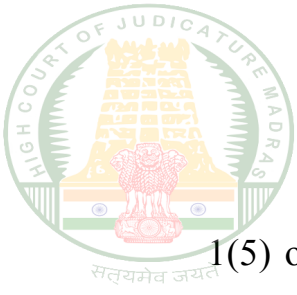
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3. The above Writ Petition has been filed, raising a limited point that the petitioner's establishment would not fall within the definition of an establishment as defined under Section 1(3)(a) of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as 'the Act' for short). It is further submitted that the petitioner/School has engaged only 15 employees, and for the purpose of coming within the purview of the Act, there should be a minimum strength of more than 19 persons.

4. The learned Senior Panel Central Government Counsel appearing for the first and second respondents submitted that the petitioner has been brought under the coverage of the Act by issuing the order, with effect from 01.06.1997.

5. The learned counsel for the petitioner submitted that accordingly, contributions have been paid accordingly until August 2008, only thereafter has it been defaulted. The attention was drawn to Section



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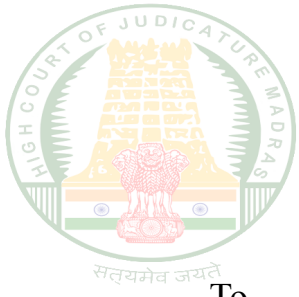
1(5) of the Act, wherein it is made clear that once an establishment has been brought under the coverage of the Act, a subsequent shortfall in the number of employees would not be of any consequence, and the establishment would continue to fall under the provisions of the Act.

6. Since the Writ Petition has been filed overlooking Section 1(5) of the Act, I feel no merits in this Writ Petition and it is liable to be dismissed.

7. In the result, this Writ Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Index : Yes /No  
Speaking / Non-speaking  
Neutral Citation : Yes / No  
kv

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To  
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**R.N.MANJULA, J.**

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