



WEB COPY



W.A.No.625 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.A.No.625 of 2021
and
CMP.No.2783 of 2021

N.Natarajan

... Appellant

Vs.

1. The Commissioner,
Kancheepuram Corporation,
Kancheepuram.
2. The Assistant PF Commissioner (Compliance),
Employees Provident Fund Organisation,
Regional Office S-1, TNHB Phase III,
Sathuvachari,
Vellore - 9.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 14.08.2020 passed in W.P.No.21443 of 2018.

For Appellant : Mr.P.Subramaniam
for Mr.T.A.Ebenezer

For R1 : Mr.P.Srinivas
Standing Counsel

For R2 : No appearance



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J U D G M E N T

(Judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

The writ order dated 14.08.2020 passed in W.P.No.21443 of 2018 is under challenge in the present writ petition.

2. The writ court made an observation that the disputed facts are to be adjudicated with reference to the documents and evidences available on record and consequently, the writ petition was dismissed.

3. Mr.P.Subramaniam, the learned Counsel for the appellant would submit that the appellant is the contractor and the Municipality has not conducted any enquiry nor provided opportunity to the appellant to submit the records.

4. The writ court in an identical writ petition directed the parties to approach the EPF Authorities for effective adjudication of factual disputes. The EPF Authorities under the Act are exercising the quasi-judicial powers and empowered to conduct an enquiry.



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5. The learned Counsel for the appellant would rely on the order dated 01.10.2020 passed in W.P.No.31742 of 2016, whereby the writ court passed the following orders:

"10. In view of the foregoing discussion, the proper recourse to be followed in this case is to require the petitioner as well as the contractors engaged by it to give details of the contract labour engaged from 08.01.2011 onwards with full particulars of their period of employment and actual amount of wages paid to them. After carrying out the aforesaid exercise of identifying the contractual workers engaged by the petitioner through contractors for the period from 08.01.2011 onwards, the concerned authority of Employees' Provident Fund Organisation shall determine the contribution amount that would have to be paid in respect of each of the contractual workers engaged in the established of the petitioner for the relevant period. It shall be ensured that full opportunity of personal hearing is afforded to the petitioner and all other persons concerned and a reasoned order shall be passed on merits and in accordance with law dealing with each of the contentions raised and the decision taken shall be communicated to the concerned parties under written acknowledgment."

It is also brought to the notice of this Court that similar other orders also have been passed.



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6. Mr.P.Srinivas, learned Standing Counsel for the Corporation would submit that there is no infirmity in respect of the order passed by the municipality.

7. The disputed facts are to be adjudicated by the competent Authorities under the Act by following due process. The Commissioner, Kancheepuram Corporation and the contractor engaged by the Corporation have to furnish the details of the contract labourers engaged from 08.01.2011 onwards. The Employees Provident Fund Organization shall determine the contribution amount, which is to be paid in respect of each contract workers engaged in the establishment. It is needless to state that opportunity to all the parties are to be afforded by the competent Authorities and order should be passed based on merits and in accordance with law.

8. In view of the above position, the Writ Appeal stands **disposed**



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of. No costs. Connected miscellaneous petition is closed.

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[S.M.S., J.] [C.K., J.]

01.07.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

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S.M.SUBRAMANIAM, J.



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AND
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