



WP(MD)No.11432 to 11435 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 23.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.11432 to 11435 of 2019
and
WMP(MD)Nos.8698, 8699, 8700 and 8701 of 2017**

T.Indrajith	...Petitioner in WP(MD)No.11432 of 2019
K.Saravanan	...Petitioner in WP(MD)No.11433 of 2019
K.Rajesh	...Petitioner in WP(MD)No.11434 of 2019
K.Suresh	...Petitioner in WP(MD)No.11435 of 2019

Vs

1.The Assistant Provident Fund Commissioner (Compliance),
Employees Provident Fund Organisation,
(Ministry of Labour and Employment, Government of India)
Regional Office Trichy – 620 008,
Trichy District.

2.The Commissioner,
Thuraiyur Municipality,
Thuraiyur,
Trichy District.

...Respondents in all WPs

COMMON PRAYER: Writ Petitions filed under Article 226 of the
Constitution of India for issuance of a writ of certiorari calling for the



WP(MD)No.11432 to 11435 of 2019

records relating to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.2113/2018/E1, dated 15.02.2019 and quash the same as illegal.

For Petitioner : Mr.M.Mohammed Zamal

For Respondent : Mr.N.Dilip Kumar

No.1

For Respondent : Mr.A.Baskaran

No.2

COMMON ORDER

The petitioners are contractors and they have filed these writ petitions as against the notice issued by the Commissioner, Thuraiyur Municipality reminding these petitioners on the liability towards the EPF contribution, if any, which has to be paid by the contractor of the Municipality. These notices are challenged by the contractors that they are not having any permanent employees relationship and they are not covered under the Employees Provident Fund and Miscellaneous Provident Funds Act and therefore, the impugned notices are bad in law.

2.The learned Counsel for the municipality submits that the workers are engaged by the contractors of the Municipality and they are



WP(MD)No.11432 to 11435 of 2019

covered under the EPF Act. He further submits that the Municipality is now brought under the purview of the EPF Act. If the contractor fails to pay the contribution for the work executed through the workers more than 20, Municipality will be held responsible for the liability. Therefore these notices have been issued.

3.The learned Counsel for the EPF authority submits that this is a general instruction issued by the Municipality for fixing liability on the contractors and it cannot be treated as an adverse order passed as against the contractors.

4.This Court considered the rival submissions made.

5.The notices impugned in these writ petitions are only a circular issued by the Commissioner of Municipality by referring to the liabilities of the EPF contribution to the EPF organisation. Admittedly the contract labourers engaged by the Municipality through the contractors are also covered under the EPF Act and therefore, this Court does not find any error in the impugned notices. Accordingly these writ petitions are



WP(MD)No.11432 to 11435 of 2019

dismissed. No costs. Consequently connected miscellaneous petitions are closed.

23.10.2024

Internet : Yes / No

Index : Yes / No

DSK

To

The Assistant Provident Fund Commissioner (Compliance),
Employees Provident Fund Organisation,
(Ministry of Labour and Employment, Government of India)
Regional Office Trichy – 620 008,
Trichy District.



WEB COPY



WP(MD)No.11432 to 11435 of 2019

B.PUGALENDHI.J.,

DSK

WP(MD)No.11432 to 11435 of 2019

23.10.2024