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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-32956-2024

Date of Decision:09.12.2024

AMANPREET SINGH AND OTHERS

..... Petitioners

Versus

**PUNJAB STATE POWER CORPORATION LIMITED AND
OTHERS**

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

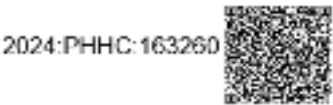
Present : Mr. G.S. Jagpal, Advocate
for the petitioners.

Ms. Harpriya Khaneka, Advocate
for respondent No.1-PSPCL.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking direction to respondent No.1-PSPCL to conduct inquiry in view of Legal Notice dated 17.09.2024 (Annexure P-6) served by them with respect to Employees Provident Fund fraud committed by respondent No.5. They are further seeking cancellation of contract executed between respondents No.1 and 5.

2. The petitioners are employees of M/s Tele Performance Global Services Pvt. Ltd-respondent No.5 who is manpower supplier. The petitioners are working at the place of respondent No.1. The respondent No.1 is paying Provident Fund Contribution to respondent No.5 who in turn has to deposit the same with Provident Fund



Authorities. The petitioners are claiming that respondent No.5 is not depositing correct amount of Provident Fund Contribution with Provident Fund Authorities and misappropriated the same. They complained to Provident Fund Authorities which initiated proceedings against manpower supplier-respondent No.5. The matter is under consideration before Provident Fund Authorities.

3. The petitioners are seeking direction to respondent No.1 to cancel contract/work order executed with respondent No.5.

4. The Provident Fund Authorities are quite competent to determine short fall of Provident Fund contribution. The Authorities are also empowered to impose damages apart from interest. Section 7A of Employees’ Provident Funds And Miscellaneous Provisions Act, 1952 (for short ‘1952 Act’) empowers the Assessing Authority to determine amount of short fall, Section 7Q of 1952 Act empowers to determine amount of interest and Section 14B of 1952 Act empowers to impose damages. The interest as well as damages can be imposed for short payment of Provident Fund Contribution.

5. In such circumstances, it would not be just and fair to ask respondent No.1 to cancel contract with respondent No.5. It is prerogative of respondent No.1 to determine its contractual relation with respondent No.5. The petitioners are at liberty to pursue their remedies before the Provident Fund Authorities as well as other Authorities.

6. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

09.12.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No