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W.P.No.8096 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.07.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.8096 of 2024
and WMP.No.9046 of 2024

Erode District Health Society
Rep by its Deputy Director
Erode District New Building
Opp. to Elementary School
Thindal, Erode - 638 009.

... Petitioner

Vs.

Regional PF Commissioner-II
Employees Provident Fund Organisation
Regional Office, Steel Plant Road
Dalavaipatti, Salem - 636 302.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorari calling for the records in connection with the impugned order passed by the respondent in CB/RO/SLM/COMP-I/PDC/11561127/E-4/7Q-Proceeding/2022 dated 11.04.2022 and quash the same.



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W.P.No.8096 of 2025



For Petitioner : Mr.D.Muthu Kumar
for M/s.Paul and Paul &
J.Hudson Samuel & Partners

For Respondent : Mr.P.K.Panneer Selvam

ORDER

This Court, by order dated in W.P.No.24027 of 2025 which was filed by the parent body viz., the National Rural Health Mission seeking a mandamus to respondents 2 and 3 therein to consider its representation dated 08.07.2024 to take up the issue on applicability of EPF Act to the District Health Societies in Tamil Nadu as per Section 7(A)(a) of the EPF Act, within a time frame, has been allowed by this Court by order dated 03.07.2025, where a direction has been issued to the respondents 2 and 3 therein namely (i) the Chief Central Provident Fund Commissioner, Employees Provident Fund Organization Head Office, New Delhi and (ii) Additional Central Provident Fund Commissioner, Coimbatore, to consider and pass orders on the said representation within a period of two months from the date of receipt of a copy of the order, and this Court had further directed the said respondents that till such time the said representation is disposed of, the respondents shall not initiate any coercive steps against the



W.P.No.8096 of 2024

petitioner therein.

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2. The Project Director of the Reproductive and Child Health had forwarded a proposal to the Government of Tamil Nadu for the formation of the District Health Missions and the District Health Societies in each District based on the guidelines issued by the Government of India. Pursuant to this Government Order, Societies were formed, which were registered under the Tamil Nadu Societies Registration Act, 1975. The Societies are fully funded by the Central and the State Government in the ratio of 60:40. These societies would not come under the provision of Section 1(3)(a) of the EPF Act, since the petitioner's society is not a factory. The Central Government by its notification dated 14.05.2010, in exercise of power conferred under Section 16(2) of the EPF Act, had exempted certain establishments from the operation of the EPF Act upto March 2015. The said exemption was not extended thereafter. This has created an anomalous situations as to whether the societies would come under the EPF Act. Therefore, the National Mission has requested the Chief Central Provident Fund Commissioner and the Additional Central Provident Fund Commissioner to consider the representation dated 08.07.2024 seeking them



W.P.No.8096 of 2025

to decide on the applicability of the EPF Act to the District Health Societies
in Tamil Nadu as per Section 7A(a) of the EPF Act.

4. In the light of the above, the order impugned in this writ petition is kept in abeyance till such time the said representation, which is the subject matter of W.P.No.24027 of 2025, is disposed of.

5. The writ petition is accordingly disposed of. No costs.
Consequently, connected writ petition is closed.

16.07.2025

Index : Yes/No
Neutral Citation : Yes / No
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To:
The Regional PF Commissioner-II
Employees Provident Fund Organisation
Regional Office, Steel Plant Road
Dalavaipatti, Salem - 636 302.



WEB COPY



W.P.No.8096 of 2024

P.T. ASHA, J.

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W.P.No.8096 of 2024

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