

W.P.No.24027 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 03.07.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.24027 of 2025

and

WMP.No.27029 of 2025

National Health Mission -TN

Rep by its Mission Director DMS Annex Building,
359, Annai Salai Teynampet,
Chennai - 60000

... Petitioner

Vs.

1. The Central Board of Trustees
Employees Provident Fund,
Bhavishya Nidhi Bhavan.
14, Bhikaiji Kama Place,
New Delhi-110066.

2. The Chief Central Provident Fund Commissioner
Employees Provident Fund Organization Head Office,
Bhavishya Nidhi Bhavan,
14, Bhikaiji Kama Place,
New Delhi-110066.

3. Additional Central Provident Fund Commissioner
Post Box No. 3875,
Dr.Balasundaram Road,
Coimbatore - 641018.

...Respondents



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Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the 2nd & 3rd respondent to consider the petitioner's representation dated 08.07.2024 and to decide the issue of applicability of the EPF Act to the District Health Societies in TN as per Section - 7A(a) of the EPF Act, 1952 within the time fixed by this Hon'ble Court and render justice.

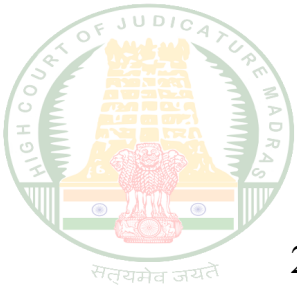
For Petitioner : M/s.J.Hudson Samuel
for M/s.Paul and Paul

For Respondent : M/s.R.Vishnu, Standing Counsel
for R.1 to R.3

ORDER

The above Writ Petition is filed for the following reliefs:-

" directing the 2nd & 3rd respondent to consider the petitioner's representation dated 08.07.2024 and to decide the issue of applicability of the EPF Act to the District Health Societies in TN as per Section - 7A(a) of the EPF Act, 1952 within the time fixed."



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2. The short facts set out by the petitioner are as follows:-

3. The National Rural Health Mission, having the acronym NRHM was launched by the Government of India on 12.04.2005. The NRHM seeks to provide health care to the poor, vulnerable and marginalized sections of the societies throughout the country. In order to achieve the objectives of the NRHM, the State Health Mission and the State Health Society were constituted by Government Order (G.O.Ms.No.309), Health and Family Welfare Department dated 16.12.2005.

4. 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



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not come under the provisions 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 the power conferred under Section 16(2) of the EPF Act had exempted certain establishments from the operation of the EPF Act up to March 2015. The said exemption was not extended thereafter. This has created an anomalous situation as to whether the societies would come under the EPF Act.

5. Meanwhile, the petitioner society without properly comprehending the requirements of Section 1(3)(b) of the EPF Act and on its erroneous understanding had registered itself under the EPF Act in March 2017. It is also the case of the petitioner that a notification in the Government Gazette is mandatory for covering an establishment under the EPF Act as per the judgement of the Hon'ble Supreme Court. In the instant case, no such notification was issued by the Central Government under the EPF Act to cover the District Health Societies.

6. Section 7(A)(a) of the EPF Act provides that any dispute

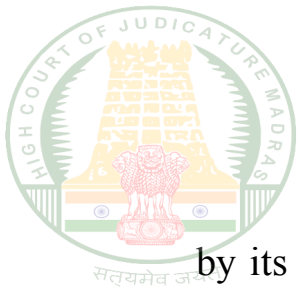


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relating to the applicability of the Act has to be decided by the authority. No such decision has been taken so far but however the EPF authorities are initiating coercive steps in various Districts of the Tamilnadu State. Therefore, the petitioner has forwarded a representation dated 08.07.2024 to the 2nd and the 3rd respondents to take up the issue of applicability of the EPF Act to the District Health Societies in Tamilnadu State as per Section 7 (A)(a) of the EPF Act. This representation is yet to be taken up for consideration. However, the coercive steps are continuing. Therefore, left with no other alternative the petitioner is before this Court.

7. Heard the learned counsel for the petitioner and the learned Special GP appearing on behalf of the 1st respondent.

8. Considering the fact that the petitioner has made a representation to the respondents to take up the issue of applicability of the EPF Act to the District Health Societies in Tamilnadu State as per Section 7 (A)(a) of the EPF Act and also taking into account the earlier exemptions which has been granted by the Central Government



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by its notification dated 14.05.2010, the applicability of the EPF Act to the District Health Societies has to necessarily be decided. The respondents 2 and 3 who are the authorities under the EPF Act to consider the issue has failed to discharge their duties, therefore the Writ Petition is allowed. The 2nd & the 3rd respondents are directed to consider the petitioner's representation dated 08.07.2024 and decide the issue of applicability of the EPF Act to the District Health Societies in Tamilnadu State as per Section - 7A(a) of the EPF Act, 1952 within a period of 2 months from the date of receipt of a copy of this order. It is needless to state that till such time as the representation are disposed of, coercive steps will not be initiated against the petitioner and the District Health Societies. No costs. Consequently the connected Miscellaneous Petition is closed.

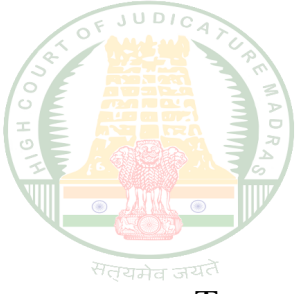
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(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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