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कर्मचारी भविष्य निधि संगठन
(श्रम मंत्रालय भारत सरकार)

Employees' Provident Fund Organisation
(Ministry of Labour, Govt. Of India)

मुख्य कार्यालय / Head Office

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(CENTRAL ANALYSIS & INTELLIGENCE UNIT)

No.CAIU/011(33)2015/HQ/Vol.III

Date: 16.02.2018

To

**All Addl. Central Provident Fund Commissioners (Zones),
All Addl. Central Provident Fund Commissioners (HO),
Addl. Central Provident Fund Commissioners (NATRSS),
All Regional Provident Fund Commissioners (In-charge of ROs).**

16 FEB 2018

Sub: - Judgement regarding PIL for enrolment of all contractual/daily wages employees under the EPF & MP Act, 1952 - regarding.

Madam/Sir,

Please find enclosed herewith a copy of the Judgement in a public interest petition passed by Hon' ble High Court of Judicature at Patna in Civil Writ Jurisdiction Case No.17372 of 2017 between Shri Shambhu Sharan Singh, petitioner Vs. State of Bihar and others on the above subject.

2. The Hon'ble High Court, Patna has made observation in the light of request of the petitioner to issue direction upon the respondent to ensure compliance of the provisions of the EPF & MP Act, 1952 with regard to contractual and daily wages employees in the respondent Organisation and any other Govt./semi Govt. Organisation.

3. While disposing the case of PIL the Hon'ble High Court, Patna has made the following observations:

"Having heard learned counsel for the petitioner, we are of the considered view that the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 is statutory and complete code in itself authorizing, vesting them with statutory powers to deal with such issues and therefore when a statutory provision with all the procedural requirements and statutory authority is already in place, it is not appropriate to make any indulgence into the matter in public interest, instead, the petitioner, if advised, should take up the issue with the statutory authority under the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 and it would be for the statutory authority to take action, as may be permissible under law."

In view of the above directions of the Hon'ble High Court, Patna, it is requested to use this judgement for compliance in respect of all contractual/daily wages employees working in various State Government Department/Corporation/Bodies/Society under the EPF & MP Act, 1952.

[This issues with the approval of Addl. CPFC-HQ (CAIU)].

Yours faithfully

Encl: as above.

(A.K. Mandal)

Regional PF Commissioner-I (CAIU)

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17372 of 2017

Shambhu Sharan Singh, son of Late Mahima Sharan Singh, resident of 9/5, Kastura Path, North S.K. Puri, P.S.- S.K. Puri, District- Patna, presently Practicing as an Advocate in Patna High Court.

..... Petitioner

Versus

1. The State of Bihar.
2. The Chancellor, Universities of Bihar, Raj Bhavan, Patna
3. The Chief Secretary, Govt. of Bihar, Patna.
4. The Principal Secretary, Department of Finance, Govt. of Bihar, Patna.
5. The Principal Secretary, Labour Resources Department, Govt. of Bihar, Patna.
6. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
7. The Principal Secretary, Health Department, Govt. of Bihar, Patna.
8. The Principal Secretary, Industries Department, Govt. of Bihar, Patna.
9. The Principal Secretary, Agriculture Department, Govt. of Bihar, Patna.
10. The Principal Secretary, Home Department, Govt. of Bihar, Patna.
11. The Director General of Police, Bihar, Patna.
12. The Director General, Home Guards, Bihar, Patna.
13. The Principal Secretary, Environment and Forest Department, Govt. of Bihar, Patna.
14. The Principal Secretary, Energy Department, Govt. of Bihar, Patna.
15. The Chairman, Bihar State Power Holding company, Patna.
16. The Managing Director, South Bihar Power Distribution Company Ltd., Patna.
17. The Managing Director, North Bihar Power Distribution Company Ltd., Patna.
18. The Managing Director, Power Transmission Company Ltd., Patna.
19. The Principal Secretary, Urban Development Department, Govt. of Bihar, Patna.
20. The Principal Secretary, Rural Development Department, Govt. of Bihar, Patna.
21. The Director, Integrated Child Development Scheme, Bihar, Patna.
22. The Executive Director, State Health Society, Bihar, Patna.
23. The Director, Aids Control Society, Bihar, Patna.
24. The Chairman, Railway Board, Rail Bhawan, New Delhi.
25. The General Manager, East Central Railway, Hajipur.
26. The Chairman, State Bank of India, Corporate Office-Mumbai.
27. The Chief General Manager, State Bank of India, Local Head Office, Patna.
28. The Chairman, Punjab National Bank, New Delhi.
29. The Chairman, Central Bank of India, Mumbai.
30. The Zonal Manager, Central Bank of India, Patna.
31. The Chairman, Bank of India, Mumbai.
32. The Zonal Manager, Bank of India, Patna.
33. The Chairman, Bank of Baroda, Vadodara, Gujarat.
34. The Chairman, United Bank of India, Kolkata.
35. The Chairman, Allahabad Bank, Kolkata.
36. The Zonal Manager, Allahabad Bank, Patna.
37. The Chairman, Indian Overseas Bank, Chennai.
38. The Chief Regional Manager, Indian Overseas Bank, Patna.
39. The Chairman, UCO Bank, Kolkata.
40. The Zonal Manager, UCO Bank, Patna.

41. The Chairman, Indian Bank, Chennai.
42. The Zonal Manager, Indian Bank, Patna.
43. The Chairman, Syndicate Bank, Manipal (Karnataka).
44. The Chairman, Dena Bank, Mumbai.
45. The Chairman, Canara Bank, Bengaluru (Karnataka).
46. The Central Provident Fund Commissioner, Employees Provident Fund Organization, EPFO Head Office, New Delhi.
47. The Additional Central Provident Fund Commissioner, Employees Provident Fund Organization, Bihar & Jharkhand, Patna.
48. The Regional Provident Fund Commissioner, Employees Provident Fund Organization, Bihar, Patna.

..... Respondents

Appearance :

For the Petitioner : Mr. Shambhu Sharan Singh (In Person)
For the EPFO : Mr. Rajiv Kumar Verma, Senior Advocate
Mr. Prashant Sinha, Advocate

For the State : Mr. Lalit Kishore, Advocate General

For Respondents : Mr. Sanjay Singh Thakur, Advocate
31, 32, 37 and 38

For the Respondent : Mr. Ajay Kumar Sinha, Advocate
Allahabad Bank

For United Bank of : Mr. Dr. Binod Bihari Sinha, Advocate
India

For the State : Mr. Alok Kumar Choudhary, Advocate

For P.N. B. : Mr. Arvind Kumar, Advocate

For Chairman Bank : Mr. Ravi Verma, Advocate
of Baroda (Resp. No.33)

For Resp. Nos.26 & 27: Mr. Alok Kumar Choudhary, Advocate
State Bank of India

For Resp. Nos.39 & 40: Mr. Ranjeet Kumar Pandey, Advocate
UCO Bank

For the Respondent : Mr. K.K. Sinha, Advocate
Corporation Bank

For the Respondent : Mr. Subhash Prasad Singh, Advocate
Syndicate Bank

For Resp. Nos.15 to 18: Mr. Vijay Kumar Verma, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE



and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 11-01-2018

Inter alia contending that in the State of Bihar there is serious non-compliance with the statutory provisions of the Employees Provident Fund & Miscellaneous Provisions Act, 1952, particularly in the matter of enforcement of the aforesaid Act to contractual and daily wage employees, this petition in public interest has been filed and reference is made to a communication of the Chief Secretary, Bihar, Annexure-1 and another by the Railway Department, Annexure-2 also in this regard indicating that the same are not being complied with.

Having heard learned counsel for the petitioner, we are of the considered view that the Employees Provident Fund & Miscellaneous Provisions Act, 1952 is a statutory and complete Code in itself authorizing authorities, vesting them with statutory powers to deal with such issues and, therefore, when a statutory provision with all the procedural requirements and statutory authority is already in place, it is not appropriate to make any indulgence into the matter in public interest. Instead, the petitioner, if advised, should take up the issue with the statutory authority under the Employees Provident Fund & Miscellaneous Provisions Act, 1952 and it would

be for the statutory authority to take action, as may be permissible under law.

With the aforesaid observation and liberty to the petitioner, we dispose of the matter.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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