
(1999) 09 MP CK 0042
In the Madhya Pradesh High Court
Case No : M.P. NO. 150 of 1992

George Joseph and Others	Vs	APPELLANT
Regional Provident Fund Commissioner and Others		RESPONDENT

Date of Decision : 27-09-1999

Acts Referred:

Employees Provident Funds and Miscellaneous Provisions Act, 1952 — Section 1, 4, 7F

Citation : (2000) 84 FLR 790 : (2000) 1 LLJ 1132

Hon'ble Judges : P.N.S. Chauhan, J

Bench : Single Bench

Advocate : R.N. Shukla, for the Appellant; V. Awasthy, Sunil Singh and R.S. Patel, for the Respondent

Judgement

D.P.S. Chauhan, J.—By means of this petition, a prayer is made for quashing the order of the respondent Regional Provident Fund Commissioner, Indore dated November 28, 1991 and the notices sent to the petitioners (Annexures A, B-1 to B-3 and Q to the petition) purporting to enforce recovery from the Non-Governmental Education Institutions by applying the provisions of Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and scheme thereunder.

2. Heard the learned Counsel for the petitioners and the learned Counsel for the respondents.

3. Learned Counsel for the parties submitted that the matter is covered by the decision of the Supreme Court in the case of M.P. Shikshak Congress and others v. R.P.F. Commissioner, Jabalpur and Others (1999 I LLJ 476) and the decision of this Court in Misc. Petition No. 3499 of 1992 Orient Paper Mills Shikshak Kendra Higher Secondary School, Amlai v. State of Madhya Pradesh and Ors., decided on September 27, 1999. Hence, this petition may also be decided in terms of the said decision.

4. The Supreme Court in the case of M.P. Shikshak Congress and Ors. v. R.P.F. Commissioner, Jabalpur and Ors. (supra) has decided the controversy regarding

the liability in respect of the contributory provident fund and held that the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 was applicable to the teachers and employees of the aided schools in the State of Madhya Pradesh who are covered by the provisions of the scheme framed thereunder for the period August 1, 1982 to August 1, 1988; and for the period subsequent thereto, the Court has observed that "whether on August 1, 1988, there was any scheme in existence, of the State Government which conferred contributory provident fund benefit on the employees covered earlier by the Central Act of 1952 or not is a matter which Regional Provident Fund Commissioner will have to examine and therefore the matter is remanded to him for that limited purpose."

5. In view of the above, the Supreme Court remitted the matter to the Regional Provident Fund Commissioner concerned only for the limited purpose of examining whether for the period August 1, 1982 (sic) to August 1, 1988 (sic), the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 are applicable to the institution concerned, upholding the order for the period from August 1, 1982 to August 1, 1988.

6. In view of the above, this petition is finally disposed of. The impugned order of the Regional Provident Fund Commissioner, shall remain effective for the period October 1982 to August 1, 1988.

7. In view of the above case of the Supreme Court, the matter relating to the period from August 1, 1988 onwards is remitted back to the Regional Provident Fund Commissioner, Jabalpur for taking decision on the question of applicability of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 to the institution. The petitioner is required to deposit the amount of the contributory provident fund relating to the period August 1, 1982 to August 1, 1988 immediately. In the circumstances of the case, no orders as to costs.