
(2022) 03 KL CK 0182

In the High Court Of Kerala

Case No : Writ Petition (C) No. 9677 Of 2022

Hotel Parassini Polariz

APPELLANT

Vs

Vs State Of Kerala

RESPONDENT

Date of Decision : 22-03-2022

Acts Referred:

Citation : (2022) 03 KL CK 0182

Hon'ble Judges : Sathish Ninan, J

Bench : Single Bench

Advocate : M.G.Karthikeyan, Nireesh Mathew, Bimal K Nath

Judgement

SATHISH NINAN

1. The petitioner is the holder of an FL-3 licence. According to the petitioner, the establishment is covered under the Employees Provident Fund and Miscellaneous Provisions Act (EPF Act) and Scheme made thereunder and therefore, they are not liable to pay contributions under the Kerala Abkari Workers Welfare Fund Act, 1989. Though the petitioner submitted Ext.P2 request before respondents 2 and 3 for issuance of clearance certificate, they are insisting for payment of Welfare Fund, is the grievance of the petitioner.

2. Heard the learned counsel on either sides.

If the establishment is covered under the Employees Provident Fund and Miscellaneous Provisions Act and the Payment of Gratuity Act, the petitioner is not liable to pay Welfare Fund under the Kerala Abkari Workers Welfare Fund Scheme, has been held by this Court in Ext.P4 judgment. Therefore, it shall be open for the petitioner to approach respondents 2 and 3 with documents evidencing the coverage under the EPF Act along with the list of workers, and respondents 2 and 3 shall verify the same and ensure that all the workers of the petitioner are covered under the EPF Act. If they are covered, Clearance Certificate as sought for under Ext.P2 shall be issued. If any of the employees are not so covered, it will be open for respondents 2 and 3 to demand

contributions in respect of those employees. Let the needful be done within a period of one week from the date of receipt of a copy of this judgment.