
(1999) 09 MP CK 0061
In the Madhya Pradesh High Court
Case No : M.P. No. 122 of 1992

Mishra R.P. and Others

APPELLANT

Vs

Regional P.F. Commissioner and Others

RESPONDENT

Date of Decision : 27-09-1999

Acts Referred:

Citation : (2000) 2 LLJ 82

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

Bench : Single Bench

Judgement

D.P.S. Chauhan, J.—This petition is on behalf of five petitioners, two of whom are individuals who do not represent the institution. The petitioner No. 1 has styled himself as Principal, Tilak Rashtriya Secondary School, Katni. Petitioner No. 2 had described himself as Principal Sindhi Higher Secondary School, Katni. Petitioner No. 3, is Tilak Rashtriya Secondary School. Petitioner No. 4 is Sindhi Higher Secondary School, Katni and petitioner No. 5 is Digambar Jain Shiksha Sanstha, Katni. It may be noted that the petition on behalf of the school is not maintainable. School is neither a legal person nor a juristic person nor a person conferred with a status. It is not a society registered under the Society-Registration Adhiniyam, 1973. However, since the petition is of 1992, I am not inclined to dismiss the petition on this ground.

2. By means of this petition, a prayer is made for quashing the orders of the respondent - Regional Provident Fund Commissioner, Jabalpur (Annexures - A, A-1 and A-2) and similar orders to all the institutions purporting to enforce recovery from the non-Governmental educational institutions by applying the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and schemes thereunder.

3. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

4. 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 v. R.P.F. Commissioner and Ors., Jabalpur and Ors. (1999 I LLJ 476) and the controversy involved in this petition is identical to that involved in Misc. Petition No. 3499 of 1992 decided by this Court on September 27, 1999. Hence this petition may also be decided in terms of the said decision.

5. 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 Fund and Miscellaneous Provisions Act, 1952 was applicable to the teachers and employees of the aided school 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."

6. In view of the above, the Supreme Court remitted the matter to the Regional Provident Fund Commissioner concerned only for the limited purpose of examination whether for the period August 1, 1988 to December 1, 1988, 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.

7. 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 August 1, 1982 to August 1, 1988.

8. 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.