

SUPREME COURT OF INDIA

Ramala Sakhari Chini Mills Ltd.

Vs.

Employees' Provident Fund Appellate Tribunal

(S. R. Babu and S. V. Patil JJ.)

19.07.2000

ORDER

1. In a proceeding under Section 7(A) of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, a determination had been made against the appellant that the appellant is liable to contribute towards certain class of persons who are covered under an agreement to transport sugarcane. The question raised is whether they are employees in respect of whom the appellant has to make the contribution under the Act. The Regional Provident Fund Commissioner did not discuss the material on record to determine this aspect. The Employees' Provident Fund Appellate Tribunal has also not considered this aspect. Much less did the High Court in writ petition. In the circumstances, we fail to understand as to how any of the authorities or the High Court could have reached the conclusion without appropriate consideration of the matter. In the absence of any material, the High Court could not have decided as to whether the transporters or carriers were also covered by the Act as persons in respect of whom, contribution will have to be made by the appellant. The order made by the High Court in a writ petition and the orders passed by The Employees' Provident Fund Appellate Tribunal and that of Regional Provident Fund Commissioner under Section 7A of the Act are set aside and the matter is remitted to the Regional Provident Fund Commissioner for fresh adjudication. The appellant shall file any objection by treating the order passed earlier as notice and produce necessary documents before the Regional Provident Fund Commissioner within a period of one month from today. If such opportunity is not availed of, the Regional Provident Fund Commissioner will be at liberty to decide the matter appropriately. If objections are filed, he shall fix an appropriate date for further hearing of the matter and decide the same in accordance with the law. The appeal is allowed accordingly.