

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:010505-DB



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LPA No. 190 of 2025(O&M)

Date of decision: 23.01.2025

Central Board of Trustees, Employees Provident
Fund Organization through Regional Provident
Fund Commissioner-II (Legal)

....Appellant

Versus

M/s Arcotech Ltd. and another

....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH.

HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

Present: Mr. Sandeep Goyal, Advocate for the appellant.

SUDHIR SINGH, J.

C.M. No. 437-LPA of 2025

For the reasons given in the application, the same is allowed and delay of 1 day in filing the present appeal is condoned, subject to all just exceptions.

Main Case

Challenge in the instant intra Court appeal is to the order dated 06.11.2024 passed by the learned Single Judge, whereby the writ petition filed by the appellant was dismissed.

2. Before the learned Single Judge, the appellant had laid challenge to the order dated 07.06.2024 passed by the Central Government Tribunal-cum-Labour Court-II, New Delhi, whereby the appeal filed by the respondent No.1 was allowed and the order dated 31.12.2018 passed by the Regional Provident Fund Commissioner, was set aside.

3. Learned counsel appearing for the appellant has argued that while passing the impugned order, the learned Single Judge, has not considered that all the 59 employees were excluded employees before notification dated 28.08.2014 as their basic wages were more than Rs.6,500/-. Besides that, they were also being paid the conveyance allowance. It is further argued that the provisions of Employees Provident Fund and Miscellaneous Provision Act, 1952, are beneficial legislation enacted as a measure of social Justice but the same should not be construed liberally so as to confer the benefit to the employees to the maximum extent. It is also argued that the impugned order passed by the learned Single Judge, is contrary to the law laid down by the Hon'ble Supreme Court in *RPFC Versus Shibu Metal Workers, 1964-65 (27) FJR 491*. It is further argued that the impugned order does not deal with the merits of the case and hence, the same is liable to be set aside.

4. We have heard learned counsel for the appellant and also gone through the record of the case.

5. Before this Court, learned counsel for the appellant could not refer to any provision of law or notification in respect of the fixation of pay of the workman/employee by an employer in a particular way. Both, the learned Single Judge, as also the learned Tribunal, have rightly held that the Provident Fund Authority cannot ask any employer to fix the salary in a particular manner. Besides that, the Tribunal had also noticed that the employees of the respondents were not covered under 1952 Act prior to 01.09.2014 and them being exempted from the said provisions, no contribution was made prior to the said date.

6. The pleas raised in the present appeal have already been dealt with by the learned Single Judge. We find that the order passed by the learned

Single Judge, is perfectly legal and no interference is called for in the present appeal.

7. In view of above, finding no merit, the same is hereby dismissed.

**(SUDHIR SINGH)
JUDGE**

23.01.2025

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**(SUKHVINDER KAUR)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No