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Karnataka High Court
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Shi Shivling Vidyavardhan ... vs The Asst. Provident Fund ... on 2 June, 2009 Author: B.S.Patil

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BETWEEN:
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IN THE HIGH COURT 0? KARNATAKA' % ;;f f =-
CIRCUIT BENCH AT GULBAR~GA:. ::j~..
DATED THIS THE 2&9 my ():'f';3.U4NE;4.A200~\ é 7
BEFORE V'
THE H{)N'BLE MR.'J1iITSTICE B.s.PAi*IL.':':§
W.p.NrtznssA1277)'o9}--I{g2§;§;-RES)
SR1 SHIVLINQVi§:3v{§9.xQ§.gfi*HAN
EDUCATIO;!J"S'G_CiE'fY '
NAUBAI), B1DAi R~;585'4a2;~vJ ' .
BYITSVC--HAfi<'MAN;;;. ..
SR1 criiamniwakamifi GAHQAG:
NAUBAD, z31DAR'.Vfj-._ '
--. - g ' PETITIONER
(BY SR! A:v:REér: R.o.3}a., Aisv.)
1.
A{fH?z.s:. Asg<§*1*;.,"'Pé0'ir1DENT
FUNTD CQM-Missioner,
{)F}?'.ICE5_R £N'CHARGE s.re.o.
GULBARGA
"*sY.rm.97, 313131133 REMAND
' .. =IiOM.E, ALAND, GULBARGA.
. 'f:;I§é:'ENFORcEMENT OFFICER,
 _._E§\/IPLOYEES PROVIDENT FUND
ORGANIZATION
SY.NG.9'7, BESIDE REMAND
(BY SR: R.S.PA'1'IL, Ai)V.)
HOME, ALAND, GULBARGA.
RESPONBENTS
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THIS WRIT PETITION IS FILEED UNDER AR'I'i'C"; § } \delta; \selfa \text{ *2} \selfa \text{.'<'} \selfa \text{.vA'e} \text{ a}

227 OF' THE CONSTETUTEON OF INDIA PRAYING QUAS.¥{'eT}*iE

ORDER DATED 27. 1.2009 VIDE ANN--C PASSED» 'i'HE 4¥+'IRS"I'_

RESPONDENT, A NCYTICE UNEDER' ANN.:D DATED '2'Z._2.2€3'09A.Af~¥D V '

Ncrrzce UNDER ANN--D1 DATED 9.3'.200'9~:_si3Up;n_ BZSECOND RESPONDENT. * "

THIS PETm<:>N COMINGHON FOR .Q':*--2r>ER:1:»'i*A};zé§"v:jAY} . eoum' MADE THE FoLLow:NG;_'_--

A.c}1{4:vAlZ.;>___,I»;V:_V';%I§v:._ Order dated _ the Assistant Commissioner for \(\sigma\) schallenged in this Writ Tiiile' on a review petition Section "(B of the Emplé\(\frac{1}{2}\) feeg .A aild Misce\(\frac{1}{2}\) neous Provisions Act, I 95 2. simft "J The "pe.t1'\$.ia3ner had su\(\frac{1}{2}\) xed an order dated 'under Section 7A of the Act whereunder it of Rs.3,65,0'?2/ ~ were due and payable tosn\(\frac{1}{2}\) g"d\(\frac{1}{2}\) "VA\(\frac{1}{2}\) nin respect of the em\(\sigma\) by ees employed by the petitioner in its eciucational 'izisizitfizztien. Aggrieve\(\frac{1}{2}\) by this order, a review petition was

-~--f§i:ed by the petitioner Instimtion as per A:m:1exure~B. In the V review §}€titioI1, it is speci⊡cally contended that, despite due fiiligent, the petitioner ¥nsti'tutioI1 could not produce the entire evidence in the matter and in the absence of such 3/}-

J {,o materéal evidence based 01:13: on the M Enforcemeni Q□cer, the conhibtz□an to*.4va1:1'§'T«VI,pt*<:5vici:1it.. fund was determined. It is furthéir si:;:§_:t&{i review pct;iiion that, the AC{_"w§1s riot' appଢét§1:g'.._..tc"j the "L' appiicaxzts' society 813\$. that \$Q(:i§ty {vas_two Ingtimtions having names' of the €IIIjJlC)y'€€S were also :z33;1.§i€7¥i}§f:d {hat as the society had 1?'; pmvisions were inappiicabkii "éo£1 f:e5:ided that, out of 14 €;!I11I)}.{fJ_';%'t:ft"£'S;VVi¥E7(3L:,:'§e¥'{§%;é. were lecturers and t}1erefbrtv§vt%)£3Hy' sm□did not faii under the de□h,i:ic;11 the term 'employee' as their "~.§mp§_;¢5§>'n*;€I31'v%I§a8 p:1 ré'}§§n the; temporary basis. V:{\$v'%=.1sser£ed by the leanz□d CGHIISEI for the peii□anmf' air. Eh□bar that aicng with the review petition, 'V¥&s::iA(1Ti*£:i¢:□}...;2.{ iimamriais were preéuced to substaI1i3'a.te his <::1aim TV x;;§":ic::l{.--'€rou£d 110% be pmiiuced □ariier for the pemsa} of the: V axgiiixzszity.

ii, The rzaviaw petition is disposed off by the inipugrxeai eréer dated 2'?'.\\$,\{\}\\$ staffing that as per the rzéataitis, the es.1':abiishTment: hag\}. engaged 8'-I, empiayses as an