

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 6193/2026

Employees Provident Fund Organization

-----Petitioner

Versus

State Of Rajasthan & Ors.

-----Respondent

For Petitioner(s)	:	Mr. Kapil Sharma for Mr. Tej Prakash Sharma
For Respondent(s)	:	Mr. S.P. Singh Rajawat for Mr. G.S. Gill, AAG

HON'BLE MR. JUSTICE SAMEER JAIN

Order

07/04/2026

Learned counsel for the petitioner has submitted that petitioner is the Employees' Provident Fund Organization (EPFO), a statutory autonomous body functioning under the Ministry of Labour and Employment, Government of India. It is submitted that proceedings under Section 7A of the EPF and MP Act, 1952 were adjudicated, and an amount of Rs.7.13 crores was assessed under M/s Deem Construction (contractor of Jaipur Nagar Nigam).

It is submitted that the said contractor failed to pay the due amount, therefore, the same was recovered from the Principal Employer i.e. Nagar Nigam on 11.03.2026 by way of a prohibitory order. It is further submitted that being aggrieved with the recovery proceedings dated 24.03.2026, a retaliated attitude was taken and on 24.03.2026, respondent Nos. 3 and 4 which are officers from Nagar Nigam issued the office order dated 24.03.2026 whereby as per the Census Act, 1948, Section 5 and

11, they have appointed the members of petitioners' organization numbering 179 for carrying out census work. It is submitted that they fall under the category of 'Essential Services' and are exception to the specified duty.

Learned counsel has relied upon judgment passed by Gujarat High Court reported in **2019 Supreme (Guj) 996: Registrar General and Census Commissioner of India Vs. Life Insurance Corporation of India Ltd.** wherein it is held that offices of Provident Fund cannot be assigned, with the said duty as they were performing essential duty. It is lastly submitted that the said assignment of duty, as assigned vide order dated 24.03.2026, is on account of vindictive attitude of the respondents.

Heard.

Issue notices to the respondents.

On directions of the Court, Mr. S.P. Singh Rajawat on behalf of Mr. G.S. Gill, AAG accepts notice for the respondents.

Learned counsel for the petitioner is directed to supply copy of the writ petition in the office of Mr. G.S. Gill, AAG.

List the matter on 05.05.2026, after reflecting the name of Mr. G.S. Gill, AAG in the cause list as counsel for the respondents.

In the meantime, considering the issue involved, this Court grants stay on the operation of order dated 24.03.2026, till further date.

Respondents are at liberty to move application, as under Article 226(3) of the Constitution of India, if they so choose.

(SAMEER JAIN),J