

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 3342-3343 OF 2007

EMPLOYEES PROVIDENT FUND ORGANISATION Appellant (s)

VERSUS

GOVERNMENT OF A.P. Respondent(s)

(With prayer for interim relief and office report)

Date: 10/11/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Appellant(s) Mr. T.S. Doabia, Sr. Adv.
 Mr. S.N. Terdal, Govt. Adv.
 Mr. Duli Chand, Adv.
 Ms. Sunita Sharma, Adv.
 Mr. B. Krishna Prasad, Adv.

For Respondent(s) Mr. I.V. Venkata Narayana, Sr. Adv.
 Mr. G.N. Reddy, Adv.
 Mr. V. Pathabhi Ram, Adv.
 Mr. Mohanprasad Meharia, Adv.

UPON hearing counsel the Court made the following
O R D E R

The contention of the learned counsel for the appellant is that Section 2(9) of the Andhra Pradesh Co-operative Societies (Amendment) Act, 2003 is unconstitutional being violative of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

Under Article 254(1) of the Constitution of India a State Act cannot override a Central Act enacted on the same subject. However, if the State Act, which has come later than the Central Act, has received the assent of the President then the State Act will be constitutional vide Article 254(2).

:1:

It appears that in the Writ Petition which the appellant herein had filed in the High Court there was no averment to the effect that the Andhra Pradesh Co-operative Societies (Amendment) Act, 2003 had not received the assent of the President. However, we permit the appellant to file an affidavit to that effect within four weeks from today. Counter affidavit thereto may be filed within four weeks thereafter.

List thereafter.

(Rajesh Dham)
Court Master

(Indu Satija)
Court Master

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