

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO(S). 6538/2010**

**REGIONAL PROVIDENT FUND  
COMMISSIONER, BIHAR & ORS.**

**APPELLANT(S)**

**VERSUS**

**ROHTAS INDUSTRIES LTD.**

**RESPONDENT(S)**

**ORDER**

The present appeal is directed against the judgment and order of the Division Bench of the High Court of Patna impugned dated 30.07.2008.

It is not disputed that the respondent/Rohtas Industries Ltd. went into liquidation and winding up order came to be passed by the Company Judge on 24.11.1995 and the Official Liquidator was appointed as a Liquidator and the Liquidator on his discretion retained few employees for his own assistance in discharge of his duties.

The question arose as to whether those employees who were retained by the Liquidator to assist him in discharge of his duties are

members/employees under the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (herein after referred to as 'the 1952 Act') and the Liquidator is under an obligation to deposit the contribution of such alleged employees.

The learned Single Judge of the High Court at the first instance examined the Scheme of the 1952 Act and arrived to a conclusion that they are not the employees as defined under the 1952 Act and the Liquidator is not under any obligation to deposit the contribution of such alleged employees treating them as members under the 1952 Act.

On Letters Patent Appeal being preferred by the appellants herein against the order of the learned Single Judge dated 23.12.1998, the Division Bench of the High Court also after taking note of the Scheme of 1952 Act and Section 1(3)(a) and Schedule-I arrived to a conclusion that the Liquidator is not under any obligation to make deduction from the salary of the employees towards contribution of their shares and deposit the same under the provisions of the 1952 Act.

We have heard the learned counsel for the parties at quite some length and find no reason to deviate from the view expressed by the Division Bench of the High Court under the order impugned. Consequently, the appeal fails and is accordingly dismissed.

Pending application(s), if any, shall stand disposed of.

.....**J.**  
**(AJAY RASTOGI)**

.....**J.**  
**(B.V. NAGARATHNA)**

**NEW DELHI;**  
**SEPTEMBER 08, 2022**

ITEM NO.103

COURT NO.9

SECTION XVI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 6538/2010

REGIONAL PROVIDENT FUND COMMISSIONER,  
BIHAR & ORS.

Appellant(s)

VERSUS

ROHTAS INDUSTRIES LTD.

Respondent(s)

Date : 08-09-2022 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AJAY RASTOGI  
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Appellant(s) Mr. Mukul Kumar, AOR

For Respondent(s) Mr. Devashish Bharuka, AOR  
Ms. Sarvshree, Adv.  
Mr. Justine George, Adv.  
Mr. Abhijeet Singh, Adv.

Ms. J. Verma, Adv.  
Mr. Abhimanyu Sharma, Adv.  
Mr. Atul Kumar, Adv.  
Mr. Ahmad B., Adv.  
Mr. S. K. Verma, AOR

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

The appeal is dismissed in terms of the signed order.

Pending application(s), if any, stands disposed of  
accordingly.

(MONIKA DEY)  
COURT MASTER (NSH)

(Signed order is placed on the file)

(ASHWANI THAKUR)  
ASTT. REGISTRAR-cum-PS