

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			CLCON No.244 of 2023 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. B.D. Pande, learned counsel for the petitioner. This writ-petition has been preferred by the petitioner, in which the petitioner has questioned the communication issued by the respondent, as referred to in the relief clause, pertaining to the applicability of the provisions of Employees' Provident Fund Act of 1952, as to whether the same would apply to the Urban Co-operative Bank of the petitioner or not, in the light of the provisions contained under Section 1(4) of the Act. The Co-ordinate Bench, before which the petitioner has preferred Written Petition (M/S) No.841 of 2023, has disposed of the writ-petition with following observations:- <i>“Having regard to the fact that no decision has been taken by respondent no. 1 regarding applicability of provisions of Employees' Provident Funds and Miscellaneous Provisions Act, 1952 from the date of establishment of petitioner bank, therefore, the writ petition is disposed of with a direction to the Competent Authority to consider petitioner's reply and pass appropriate order, as per law, within four weeks from the date of production of certified copy of this order.”</i> In a nutshell, the Co-ordinate Bench has

		disposed of the writ-petition with a direction to the Competent Authority to consider the petitioner's reply and pass an appropriate order, as per law, within four weeks from the date of production of certified copy of this order. The petitioner alleges that there is non-compliance, because no decision has been taken, as such, in compliance of the order dated 23.03.2023. This Court is in disagreement with the argument extended by the learned counsel for the petitioner, for the reason being, that rightly or wrongly, the Competent Authority of the Employees' Provident Fund Organization has already taken a decision on 29.05.2023 by issuing Notice No. EPF/ RO/ ENF / UK / HLD /34990 / 632 /877 dated 29.05.2023, wherein it was compliance of the order passed by this Court, the Employees' Provident Fund Organization has taken a decision and, as a consequence thereto, the notice under Section 7A of the EPF & MP Act, 1952 has been issued to the petitioner for filing reply, in the light of the observations made in paragraph no.2 of the decision dated 29.05.2023. The question is, as to whether in a contempt proceeding the propriety of the order dated 29.05.2023 or a decision making process, in compliance of the High Court's judgment
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		dated 23.03.2023, could be subjected to challenge, because the only direction issued by the Court was to take a decision on the reply filed by the petitioner. The decision has already been taken on 29.05.2023. As such, the compliance has already been made and since the petitioner himself has put a challenge to order dated 29.05.2023, in an independent writ-petition, which is listed today as a fresh, it means that the propriety of the decision dated 29.05.2023, as taken in compliance of the judgment dated 23.03.2023, has already been made, which is now subject-matter of the independent writ-petition, which is listed today and which will be dealt with separately. Hence, as a matter of fact, the compliance of the judgment dated 23.03.2023 has already been made. There is no contempt, as such and the same is, accordingly, dismissed. (Sharad Kumar Sharma, J.) 21.08.2023 Sukhbant
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