

Court No. - 6

Case :- WRIT - C No. - 38739 of 2023

Petitioner :- Central Board Of Trustees Epfo

Respondent :- Central Government Industrial Tribunal Kanpur
And Another

Counsel for Petitioner :- Amit Kumar Singh

Hon'ble Mrs. Manju Rani Chauhan,J.

The petitioner - Central Board of Trustees, EPFO filed the instant writ petition through Assistant Provident Fund Commissioner, with prayers to quash the order impugned dated 31.07.2018 passed by Central Government Industrial Tribunal, Kanpur / respondent no. 1 and to restrain the respondent no. 1 from taking any follow up action pursuant to the impugned order.

There is delay of about five years in filing the present writ petition, however, learned counsel for the petitioner has sufficiently explained the cause occurred thereto in paragraph nos. 29 to 38 of the writ petition.

While challenging the order impugned, the petitioner has taken a specific objection stating that the appellate authority has proceeded to pass the impugned order on the ground that the assessing authority had passed the order without identifying the beneficiaries to whom the payment has to be made. He further submits that as per the provisions of Section 7L of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, the appellate authority should have referred the matter back to the assessing authority. However, in the present case, despite objections being raised by the petitioner, as enumerated in Paragraph Nos. 5 & 6 of the order impugned, said objections have not been dealt with nor any finding has been returned,

however, the order impugned has been passed. He further submits that in all the judgements as relied upon by the appellate authority, while passing the orders, the matter has either been remanded for identification of beneficiaries or has been called for additional evidence for the same. Learned counsel for the petitioner has next contended that the impugned order has no legs to stand in the eyes of law, thus, it may be set aside.

I have heard learned counsel for the petitioner and perused the record. In view of the order proposed to be passed there is no need to issue notice to the respondents.

Taking into consideration facts of the case and having heard submissions advanced by learned counsel for the petitioner, this Court is of the opinion that the order impugned has been passed without any basis. Hence, the order impugned dated 31.07.2018 is set aside. The matter is remitted back to the respondent no. 1 to decide it, afresh, by passing a reasoned and speaking order, in accordance with law, after hearing the respondent no. 2 - M/s Okay Glass Industries, expeditiously, preferably within a period of three months from the date of production of a certified copy of this order.

The writ petition stands allowed accordingly.

No order as to costs.

Order Date :- 5.12.2023

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