

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23420 of 2011

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M/S Times Food Products Ltd., Buxi, Maidan, Patna Sahib Railway Station,
Patna City, in the town & district of Patna through its Director Sanjay
Prasad Jaiswal.

.... Petitioner

Versus

1. Regional Provident Fund Commissioner, Bihar, Employees Provident
Fund Organisation, Regional Office, Bhavishya Nidhi Bhawan, R-Block,
Road No.6. Town & District- Patna.
2. Assistant Provident Fund Commissioner, Bihar Employees Provident
Fund Organisation, Regional Office, Bhavishya Nidhi Bhawan, R-Block,
Road No.6, Town & District- Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Kripa Nand Gupta, Adv.
For the Respondent/s : Mr. Jai Prakash Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 04-08-2015 At the very outset, Sri Jai Prakash Verma, learned

counsel for the Respondents/ Employees Provident Fund

Organisation raises preliminary objection on the point of

maintainability of the writ petition. He submits that against the

order impugned, there is statutory provision of appeal and the

petitioner by passing the said provision has approached this Court

directly.

Sri K.N.Gupta, learned counsel for the petitioner
accepts that there is statutory provision of appeal. He submits that
when the order was passed, there was no Presiding Officer at that
time and, as such, in stead of preferring an appeal, he approached

this Court. He further accepts that at present, the Presiding Officer is functioning.

In view of facts and circumstances, particularly the fact that there is statutory remedy of appeal, there is no requirement for interfering with the matter.

The writ petition stands disposed of granting liberty to the petitioner to avail statutory remedy of appeal. If such appeal is filed within six weeks from today, the Court expects that the authority may examine the same and decide the same on merit in accordance with law. This order has been passed in view of the fact that the petitioner after the impugned order had approached this Court by filing the present writ petition and the matter was pending before this Court since 23.12.2011.

(Rakesh Kumar, J)

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