

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5736 of 2015

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Bihar State Industrial Development Corporation, a Government company incorporated under the Companies Act, 1956 having its Registered Office at Indhira Bhawan, R.C. Singh Patha, Patna-800001- through its Managing Director.

.... Petitioner

Versus

1. Employees Provident Fund Organization, Serpentine Road, Patna through its Commissioner.
2. Regional Provident Fund Commissioner, Employees Provident Fund Organization, Sub-Regional Office, Adampur Chowk, Bhagalpur-812001.
3. The State of Bihar through Principal Secretary, Govt. of Bihar, Old Secretariat, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan Prasad

For the Respondent/s : Mr. Prashant Sinha

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 13-08-2015 Heard Sri Rajeev Ranjan Prasad, learned counsel for the petitioner and Sri Prashant Sinha, learned counsel, who has appeared on behalf of Respondent/ Employees Provident Fund Organisation.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India against an order dated 08.08.2014 passed by the Regional Provident Fund Commissioner, Bhagalpur under Section 14-B of the Employees Provident Fund and Miscellaneous Provisions Act, 1952.

At the very outset, learned counsel for the Respondents raises objection on the point of maintainability of the writ petition.

He submits that under the provisions, particularly under Section 7(i) of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 against the order, there is statutory remedy of appeal. He further submits that while filing appeal, it is required to deposit 75 % of the amount of the order impugned. Learned counsel for the petitioner submits that it would be very difficult for the petitioner to deposit the amount before the appellate authority. He further submits that the order impugned was passed on 08.08.2014 and, as such, if the petitioner prefers appeal, there is possibility that his appeal may not be entertained on the ground of limitation.

The Court is of the opinion that instead of interfering with matter, the writ petition can be disposed of granting liberty to the petitioner to approach before the appellate authority. If within eight weeks from today, any appeal is preferred, the appellate authority is required to entertain the appeal on its merit without going on the question of limitation.

The writ petition stands disposed of granting liberty to avail statutory remedy

(Rakesh Kumar, J)

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