

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8225 of 2011

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St.Joseph's Convent Primary School, Barh through its Secretary Fr. Rakesh
Roshan son of late J. Sharan resident of Catholic Church Barh, P.S. Barh,
District Patna

.... Petitioner/s

Versus

1. Employees Provident Fund Organization through Regional Provident
Fund Commissioner, Bhavishya Nidhi Bhavan, Road No. 6, R Block,
Patna
2. Assistant Provident Fund Commissioner (Compliance) Cum
Recovery Officer , Employees provident Fund Organization,
Regional provident fund Office, Bhawishya Bhawan, Road No.6, R
Block, Patna
3. Recovery Officer, Employees Provident Fund Scheme, Bihar
Bhavishya Nidhi Bhavan, R-Block, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. K.M.Joseph

For the Respondent/s : Mr. P.K. Verma, Sr. Counsel

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 13-07-2015 Heard Mr. K.M. Joseph, learned counsel for the

petitioner and Sri P.K. Verma, learned senior counsel, who has

appeared on behalf of the respondents /Employees Provident

Fund Organization.

The present writ petition under Article 226 of the
Constitution of India, has been preferred against an order dated 6th
April, 2011 passed by the Presiding Officer, Employees'
Provident Fund Appellate Tribunal. By the said order the petition
filed on behalf of the petitioner for restoring the Appeal i.e.
A.T.A. No. 750(3) of 2009 was allowed on a condition of deposit
of Rs. 5,000/- with the respondents within 15 days from the date

of that order.

Learned counsel for the petitioner submits that under the provisions of Employees Provident Fund & Miscellaneous Provisions Act, 1952, there is no necessity for appearance on each and every date in the Appeal, and as such, the Appeal was wrongly dismissed due to non- prosecution.

The court is of the opinion that since the Appeal has already been restored by the impugned order i.e. the order dated 6th April 2011, now the point which is being raised by learned counsel for the petitioner is not required to be noticed. On petition filed by the petitioner restoration was allowed with a condition to deposit Rs. 5,000/- within 15 days.

I do not find any defect in the impugned order.

The writ petition stands dismissed.

However, the period of deposit of cost which was fixed by the learned Appellate Tribunal is extended to the period of six weeks from today.

(Rakesh Kumar, J)

Praful/-

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