

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12180 of 2004

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Jogendra Singh Gandhi son of late Mala Singh, resident of Gola Road
Baker Ganj, P.S. Pirbahore, District Patna.

.... Petitioner/s

Versus

1. The Union of India through the Regional Provident Fund Commissioner, Bihar, Employees Provident Fund Organisation, Bhavishya Nidhi Bhawan 'R' Block, Road No.6, Patna-800001.
2. The Assistant Provident Fund Commissioner, Bihar, Patna, Employees Provident Fund Organisation, Bhavishya Nidhi Bhawan 'R' Block, Road No.6, Patna-800001.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Sinha

For the Respondent/s : Mr. Prashant Sinha

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 31-07-2015

Heard the parties.

The petitioner has filed the present writ petition assailing the validity and correctness of order dated 15th April, 2004 (Annexure-1) passed by the Assistant Provident Fund Commissioner, Bihar, Patna, in exercise of his powers under Section 7A of The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (In short 'Act, 1952'). He is also aggrieved by the order dated 07.06.2004 (Annexure-2), whereby the review petition filed on behalf of the petitioner has been rejected.

Learned counsel appearing on behalf of the parties are unanimous in their submissions that the impugned original order dated 15th April, 2004 (Annexure-1) is appealable in terms of Section 7(I) of the Act, 1952 before the Appellate Tribunal.

In view of availability of alternative and efficacious remedy to the petitioner against the impugned original order dated

15th April, 2004 (Annexure-1), he seeks permission to withdraw the present writ petition with a liberty to file an appeal before the learned Appellate Tribunal raising all the pleas, which have been raised in the present writ petition.

Permission is accorded.

The writ petition stands disposed of as withdrawn with the liberty aforesaid.

If such an appeal is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order, then the same shall be considered and decided on its own merit and shall not be dismissed on the ground of limitation, as on a bonafide legal advice the present writ petition was filed on 29.09.2004 and that remained pending before this Court till date.

Parties shall be at liberty to raise all the issues of facts and law, which are available to them, before the Appellate Tribunal.

(Birendra Prasad Verma, J)

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