

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

WP(C).No. 3249 of 2015 (E)

PETITIONER(S):

**MAJOR PUNNOSE P.A. (RETIRED),
B.P.C.L.COCO OPERATOR, B.P.C.L PETROL PUMP
DOOR NO.1/446-B, SEA PORT AIR PORT ROAD, IRUMPANAM
KOHI-682 309.**

**BY ADVS.SMT.S.K.DEVI
SRI.SANTHOSH P.ABRAHAM**

RESPONDENT(S):

**1. ASSISTANT PROVIDENT FUND COMMISSIONER
EMPLOYES' PROVIDENT FUND ORGANIZATION
SUB REGIONAL OFFICE, 36/685/A, BHAVISHYANIDHI BHAVAN
P.B NO.1895, KALOOR, KOCHI-682 017.**

**2. THE EMPLOYES' PROVIDENT FUND APPELLATE TRIBUNAL
4TH FLOOR, CORE-2, SCOPE MINAR
LAKSHMI NAGAR, DELHI-110 092.**

**BY ADVS. DR.S.GOPAKUMARAN NAIR (SR.)
SRI.A.RAJASIMHAN,SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1. A TRUE COPY OF THE AGREEMENT DATED 30/9/2009 ENTERED
BETWEEN THE PETITIONER AND 1ST RESPONDENT**
- EXT.P2. A TRUE COPY OF THE INTIMATION NO.KR/KCH/27662/ENFF.III(2)
2011/12649 DATED 18/11/2011 ISSUED BY THE 1ST RESPONDENT**
- EXT.P3. A TRUE COPY OF THE REPLY DATED 16/4/2014 GIVEN BY THE
PETITIONER TO THE 1ST RESPONDENT**
- EXT.P4. A TRUE COPY OF THE ORDER NO.KR/KCH/27662/DAMAGES CELL
DATED 12/11/2014 ISSUED BY THE 1ST RESPONDENT**
- EXT.P5. A TRUE COPY OF THE APPEAL DATED 17/12/2014 FILED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K.VINOD CHANDRAN, J

W.P.(C).No. 3249 of 2015

Dated 6th February, 2015

JUDGMENT

The petitioner is aggrieved by the demand raised as per Ext.P4 order passed by the Employees Provident Fund Organization/ 1st respondent.

2. The contention of the petitioner is that, the appeal period expires only on 11.02.2015 and the order specifies that demand shall be satisfied within fifteen days. It is also submitted that, appeal has been filed within the time provided under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (EPF & MP Act) before the Appellate Tribunal. The difficulty in seeking for waiver of pre-deposit and obtaining an interim order is insofar as there is no Presiding Officer in the Appellate Tribunal.

3. Especially considering the fact that the appeal period is not yet over and appeal has been filed, the demand against the petitioner as per Ext.P4 order, shall be kept in abeyance till the disposal of appeal or consideration of the interim application. There shall be a stay of further demand till the appeal or the interim application is disposed of, whichever is earlier, by the Appellate Tribunal.

The writ petition is disposed of.

Sd/-

K.VINOD CHANDRAN
Judge

Mrcs

//True Copy//