

THE HON'BLE SRI JUSTICE S.V. BHATT

W.P Nos.4432 of 2011 & 37954 of 2013

COMMON ORDER:

Writ Petition No.4432 of 2011 is filed by M/s.Sree Surya Offset Printers rep. by its Proprietor, Vijayawada against the order dated 10.02.2011 passed in ATA No.32 (1) of 2006.

Writ Petition No.37954 of 2013 is filed by the Assistant Provident Fund Commissioner, Sub-Regional Office, Krishnannagar, Guntur. The petitioner herein assails the order dated 19.11.2012 passed in ATA No.17 (1) of 2006.

The genesis for these two appeals is the order dated 20.05.2005 under Section 7 A of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952. Through the order dated 10.02.2011, the appeal filed by M/s. Sree Surya Offset Printers is dismissed and through order dated 19.11.2012, the appeal filed by M/s. Sree Surya Offset Printers is allowed by the appellate Tribunal. The issue in these two appeals is substantially same and similar but decided with the contradictory orders. The findings are also contradictory.

Having regard to the contradictory views taken, I consider it appropriate to set aside the orders dated 10.02.2011 in ATA No.32 (1) of 2006 and dated 19.11.2012 in ATA No.17(1) of 2006 and remit the matter back to Appellate Tribunal for fresh consideration within a period of three months from the date of receipt of a copy of this order. To avoid conflict of view again being caused, it is expected appropriate steps are taken for hearing of these two appeals by one Tribunal.

Accordingly, these two appeals are allowed and remanded. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition

shall stand closed.

S.V.BHATT, J

11th March, 2015
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Date:11.03.2015

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