

THE HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.32129 of 2010

ORDER :

This writ petition is filed seeking to issue a writ of *certiorari* calling for the records pertaining to the proceedings

No.AP/11/113322/P.D.Cell/R.O/Hyd/T.4/2010/1183, dated 15-11-2010 and the proceedings No.AP/11/113322/P.D.Cell/R.O/Hyd/ T.4/6/8, dated 23-07-2010 of the 3rd respondent and consequently to quash the same as illegal and arbitrary.

2. When the matter is taken up for hearing, it is represented by the learned counsel for the respondents that instead of availing the alternate remedy of preferring an appeal under Section 7-I of the Employees' Provident Fund & Misc. Provisions Act, 1952 (for brevity, 'the Act') to the Employees' Provident Fund Appellate Tribunal, the petitioner has erroneously filed the instant writ petition.

3. The learned counsel for the petitioner also submitted that the petitioner can approach the Employees' Provident Fund Appellate Tribunal by invoking the provisions under Section 7-I of the Act. It is further submitted by the learned counsel for the petitioner that the petitioner has deposited a sum of Rs.1,00,000/- pursuant

to the interim order dated 22-12-2010 in W.P.M.P. No.40845 of 2010 passed by this Court towards the amount claimed by the respondents herein and hence requested to direct the Employees' Provident Fund Appellate Tribunal for reduction in deposit of 75% of the amount claimed by the respondents herein, while filing an appeal by the petitioner, which is the condition precedent as per the Act, as the petitioner is running a school. This Court is of the view that such a direction cannot be given by this Court when the statute prescribes that the appeal is maintainable on deposit of 75% of the claimed amount. But, at the same time, taking into consideration the provisions under Section 7-O of the Act, the Employees' Provident Fund Appellate Tribunal is directed that if the petitioner prefers a petition for waiver or reduction of the said amount, consider the same favourably and pass appropriate orders. The petitioner is directed to prefer an appeal, if so desires, within a period of two months from the date of receipt of a copy of the order.

4. The Writ Petition is accordingly disposed of. No order as to costs. As a sequel, miscellaneous petitions pending, if any, in this Writ Petition are closed.

JUSTICE RAJA ELANGO

09th March, 2015

Note : Issue C.C. in one week.
B/O

skmr