

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.6147 OF 2015

ORDER :

Heard learned counsel for petitioner and the learned Standing Counsel for Employees Provident Fund.

The petitioner assails proceedings No. AP/46995/SRO/RJY/PD/2014/530, dated 16.07.2014 and prohibitory order Nos.GR/RJY/PD/46995/2014/1556, dated 14.11.2014 and GR/RJY/PD/46995/2014/2595, dated 30.01.2015 of the 1st respondent as illegal and contrary to the mandatory procedure prescribed under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

The 1st respondent through proceedings dated 16.07.2014 determined the penal damages payable by the Eluru Municipal Corporation/petitioner herein. It is the admitted case of parties that the provident fund was contributed and the issue is confined to penal damages. The petitioner through its representations dated 26.11.2014 and 30.12.2014 firstly agreed to pay the penal damages and secondly requested for installments to pay the penal damages.

One of the grievances in the writ petition is that the 1st respondent has not disposed of the representations. The prohibitory orders dated 14.11.2014 and 30.01.2015 are causing administrative inconvenience and Municipal Corporation is not in a position to provide basic amenities to the citizens. As the petitioner is not joining issue on the penal damages, but requesting for grant of installments without directing dispose of representations dated 26.11.2014 and 30.12.2014.

This Court, having regard to the totality of circumstances, grants stay of proceedings dated 16.07.2014 subject to the

condition that the petitioner deposits a sum of Rs.15 lakhs on or before 30.03.2015 and the balance penal damages is payable in three equal monthly installments starting from 1st of May, 2015. The 1st respondent is directed to issue orders recalling the prohibitory orders dated 14.11.2014 and 30.01.2015 forthwith.

With the above direction, the writ petition is disposed of.

Pending miscellaneous petitions in this Writ Petition, if any, shall stand closed in consequence. No order as to costs.

S.V.BHATT, J

11.03.2015
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