

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.6096 OF 2015

ORDER:

Heard Sri Challa Gunarajan, learned counsel for petitioners and Sri R.N.Reddy, learned Standing Counsel for Employees Provident Fund.

The petitioners pray for Mandamus challenging the action of the respondents in issuing Prohibitory Orders vide Reference No.AP/HY/29728/PD-II/T-4/2014/1530, dated 16.12.2014 under Section 8F of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 for recovery of dues on account of interest and damages for the period from June, 1999 to June, 2013, pending appeal before the EPF Appellate Tribunal, New Delhi as illegal and contrary to the provisions of the Act.

Admittedly, the appeal filed by the petitioners against the levy of damages is pending before the Tribunal. The petitioners have moved an application for grant of stay. One of the submissions is that the stay application filed by the petitioners could not be taken up for the reasons beyond the control of the petitioners. While the matters stood thus, the 2nd respondent issued prohibitory order dated 16.12.2014, hence, the writ petition.

Having regard to the fact that the petitioners have already availed the remedy of appeal against the imposition of penal charges, I do not propose to go into the merits of the case pleaded by the petitioners, suffice to hold that the issuance of prohibitory order at this stage of the matter certainly causes prejudice to the petitioner.

Keeping in view of the claim for penal charges and prohibitory order dated 16.12.2014, the writ petition is disposed of by granting

stay of order dated 14.11.2014 subject to the condition of petitioners depositing a sum of Rs.75,000/- on or before 31.03.2015. The Assistant Provident Fund Commissioner is directed to issue appropriate order withdrawing the prohibitory order dated 16.12.2014 immediately.

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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