

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA No. 1767 of 2013 (O&M)

DATE OF DECISION : 04.12.2015

Regional Provident Fund Commissioner, Amritsar and another
.... APPELLANTS

Versus

M/s Hindi Press, Civil Lines, Jalandhar and another
.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present : Mr. Rajiv Sharma, Advocate,
for the appellants.

Mr. Parteek Gupta, Advocate,
for respondent No.1.

* * *

SATISH KUMAR MITTAL, J. (Oral)

Regional Provident Fund Commissioner, Amritsar and Assistant Provident Fund Commissioner, Amritsar, have filed this intra-court appeal under Clause X of the Letters Patent against the order dated 08.05.2013 passed by the learned Single Judge, whereby the writ petition (CWP No. 9752 of 2012) filed by M/s Hindi Press, Civil Lines, Jalandhar (respondent No.1 herein) challenging the orders dated 12.07.2001 (Annexure P-6) and 12.01.2010 (Annexure P-13) was allowed and the impugned orders were quashed with costs of ₹ 1 lac to be recovered from the erring official/s.

On 28.10.2013, when this appeal was taken up for motion

hearing, the following order was passed :-

“We have heard counsel for the appellant and in view of significant findings of malafide and an arbitrary exercise of discretion recorded against the authority concerned, are not inclined to interfere. It would also be appropriate to point out that the Provident Fund Commissioner proceeded post haste to pass the impugned order despite the fact that he was aware that the respondent had filed an application for transfer.

Faced with this situation, counsel for the appellant states that instead of dismissing the petition in its entirety, the Provident Fund Commissioner may be granted an opportunity to pass a fresh order.

Notice of motion limited to the latter contention for 8.1.2014.”

Since notice of motion was issued to a limited extent, learned counsel for respondent No.1, on instructions, states that there shall be no objection if the Assistant Provident Fund Commissioner, Amritsar (appellant No.2 herein), hears the matter afresh after providing opportunity of hearing to respondent No.1.

In view of the said consensus arrived at during the course of arguments, we dispose of this appeal with a direction to the Assistant Provident Fund Commissioner, Amritsar (appellant No.2 herein) to decide the matter afresh after providing opportunity to both the parties to produce documents, if necessary, as well as opportunity of hearing, and then pass a speaking order, within a period of six months from today. In case, the Assistant Provident Fund Commissioner, Amritsar (appellant No.2 herein)

does not decide the matter within the stipulated period of six months, it will be open for respondent No.1 to approach this court to have further directions in the matter.

(SATISH KUMAR MITTAL)
JUDGE

December 04, 2015
ndj

(SHEKHER DHAWAN)
JUDGE