

In the High Court of Punjab and Haryana at Chandigarh

Civil Writ Petition No. 1578 of 2016
Date of Decision: 25.1.2016.

M/s Aerens Gold Souk International LimitedPetitioner

Versus

The Employees' Provident Fund Appellate Tribunal and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sourabh Goel, Advocate
for the petitioner.

SABINA, J.

Petitioner has filed this petition under Article 226 of the Constitution of India seeking a writ in the nature of certiorari for quashing the order dated 24.11.2015 (Annexure P-3).

Learned counsel for the petitioner has submitted that the petitioner has already filed an appeal against the impugned order but the same was not been taken up for consideration as the Presiding Officer was on medical leave and the appeals pending before the said officer are being adjourned from time to time. Learned counsel has based reliance on order passed by this Court dated 18.3.2015 in CWP No. 4639 of 2015 to submit that till the decision of the appeal, no coercive measures be taken against the petitioner.

Order passed by this Court dated 18.3.2015 in CWP No. 4639 of 2015 reads as under:-

“Learned counsel for the petitioner submits that the

petitioner has already filed an appeal dated 12.01.2015 (Annexure P-4) before the Employees Provident Fund Appellate Tribunal, but there is no Presiding Officer. In support of his contention, he has also brought to the notice of this Court the order dated 16.01.2015 passed by the High Court at New Delhi, whereby the same very fact has been noticed.

Since the appellant-petitioner has also filed an appeal and there is no Presiding Officer, it is expected that respondent No.4 shall make endeavour to appoint the Presiding Officer as early as possible. Till the decision of the appeal, no coercive measures shall be taken against the petitioner.

With the aforementioned direction, the present writ petition stands disposed of

Accordingly, this petition is disposed of with a direction that till the joining of the Presiding Officer after availing medical leave or any other officer in his place (whichever is earlier), no coercive measures be taken against the petitioner.

**(SABINA)
JUDGE**

January 25, 2016
Gurpreet