

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.416 of 2015

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M/s Bharat Sanchar Nigam Ltd. Telecom District Saharsa through its
Accounts Officer, Jayant Kumar, Son of Late R.S.P. Singh, resident of
Telecom District Manager Campus, Gandhi Path, P.S. Saharsa, District-
Saharsa.

.... Petitioner

Versus

The Assistant Regional Provident Fund Commissioner, Bhagalpur

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Shahi, Advocate
Mr. Sandeep Kumar, Advocate
For the EPFO : Mr. Prashant Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

7 29-06-2017 In view of availability of equally efficacious
statutory remedy to the petitioner for the redressal of his
grievance under Section 7-I of the Employees' Provident Funds
And Miscellaneous Provisions Act, 1952 as also in view of the
law laid down by the Hon'ble Supreme Court in the landmark
judgment of *United Bank Of India vs. Satyawati Tondon &*
Ors. [2010 (8) SCC 110], wherein the Supreme Court
observed: "... we are conscious that the powers conferred upon
the High Court under [Article 226](#) of the Constitution to issue to
any person or authority, including in appropriate cases, any
Government, directions, orders or writs including the five



prerogative writs for the enforcement of any of the rights conferred by Part III or for any other purpose are very wide and there is no express limitation on exercise of that power but, at the same time, we cannot be oblivious of the rules of self-imposed restraint evolved by this Court, which every High Court is bound to keep in view while exercising power under [Article 226](#) of the Constitution. It is true that the rule of exhaustion of alternative remedy is a rule of discretion and not one of compulsion, but it is difficult to fathom any reason why the High Court should entertain a petition filed under [Article 226](#) of the Constitution and pass interim order ignoring the fact that the petitioner can avail effective alternative remedy by filing application, appeal, revision, etc. and the particular legislation contains a detailed mechanism for redressal of his grievance....It is a matter of serious concern that despite repeated pronouncement of this Court, the High Courts continue to ignore the availability of statutory remedies under the [DRT Act](#) and [SARFAESI Act](#) and exercise jurisdiction under [Article 226](#) for passing orders which have serious adverse impact on the right of banks and other financial institutions to recover their dues. We hope and trust that in future the High Courts will exercise their discretion in such matters with



greater caution, care and circumspection.”, I am not inclined to entertain this application. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

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