

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.68 of 2014**

Chhattisgarh Netra Chikitsa Samiti, Telibandha Raipur, through its Secretary Smt. Ranjana Mehtra W/o Late Dr.Vijay Mehra, aged about 57 years, Office-Telibandha Raipur, Police Station Telibandha, Civil & Revenue District Raipur (CG)

---- Petitioner

Versus

1. Assistant Provident Fund Commissioner, Regional Office, Indira Gandhi Vyavasaik Parisar, Block D, Scheme No.32, Pandri, Raipur, District Raipur C.G PIN 492001
2. The Employee's Provident Fund Appellate Tribunal, New Delhi

---Respondents

For Petitioner	:	Mr.Rakesh Pandey, Advocate
For Respondent No.1	:	Mr.Sunil Pillai, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board**

19/05/2017

1. This writ petition is directed against the order dated 7.6.2011 as well as order dated 5.12.2013 rejecting his review application.
2. Learned counsel for the petitioner would submit that on 7th June, 2011 counsel of the petitioner could not appear as number of appeal was changed, but the Employees' Provident Fund Appellate Tribunal, New Delhi (hereinafter called as "EPFAT") rejected the case of the petitioner. Review application has also not been considered fairly and properly by the EPFAT.
3. On the other hand, learned counsel for respondent No.1 would oppose the writ petition.
4. It is true that earlier number of appeal was A.T.A.No.198(19)2010 and now it was changed as

A.T.A.No.190(19)2010 and change number was not intimated to the petitioner and order has been passed on merits without hearing the petitioner or his counsel.

5. In the considered opinion of this Court, sufficient cause has been shown by the petitioner for not appearing on 7th June, 2011 when the appeal was called up for hearing.
6. Accordingly, the orders dated 7.6.2011 (Annexure P/1) and 5.12.2013 (Annexure P/2) passed by the EPFAT are quashed. A.T.A.No.190(19)2010 is restored to the file of the EPFAT for hearing and disposal in accordance with law after hearing both the parties.
7. The writ petition is allowed to the extent indicated hereinabove. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-