

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6901 OF 2017

Kolhapur Zilla Nagari Banks
 Sahakari Association Ltd. Kolhapur
 (through its CEO Shankar Rau Manglekar)
 and ors

..Petitioners

Vs

Regional Provident Fund
 Commissioner (II)/OIC and ors.

.Respondents

Mr. S.K. Talsania, Senior Advocate a/w. Mr.Vishwajeet Kapse, Mr.Vivek Walawalkar, Mr. Akshay Sawant and Mr. Rajesh Dharap for the Petitioners.

Mr. P.P. More, AGP for the Respondent-State.

CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.
DATE : JUNE 28, 2017.

P.C. :

. Not on board. In view of urgency, taken on production board.

2] Feeling aggrieved by the letter dated 27th June 2016 (Exhibit-D issued by respondent No.1, by which, the petitioners have been asked to furnish information in regard to Pigmy Agents appointed by them, the petitioners have filed this petition.

3] According to the petitioners, after receiving the said letter dated 27th June 2016 the petitioners had made various correspondences, but without taking into consideration the same and their reply, the respondents are bent upon to apply the judgments referred to in the letter dated 27th June 2016 to all the Pigmy Agents without verifying the factual aspects of the matter. According to the petitioners, many of the Pigmy Agents are working for various other Banks and they cannot be said to be employees of particular Bank.

4] It is also the case of the petitioners that before applying the provisions of Provident Fund Act to those Pigmy Agents, the enquiry as contemplated under section 7-A of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (EPF Act) has not been conducted and without conducting the same and recording reasons the respondents are likely to pass the orders adverse to the interest of the petitioners. The learned counsel for the petitioners has also placed reliance on the various judgments passed by this Court from time to time.

5] Having considered the submissions made by learned

counsel for the petitioners, we are of the view that the petition has been filed prematurely. At present, no decision has been taken by the respondents to cover the Pigmy Agents working under the petitioners into the ambit of the Act.

6] In the above circumstances, we are inclined to dispose of this petition by directing the competent authority of the respondents to consider the petitioners' grievances and pass reasoned order in the matter taking into consideration the provisions of Section 7-A of the EPF Act. While taking any decision as aforesaid the judgments on which the petitioners may place reliance be also considered. It is also expected from the said authority that an appropriate decision, in accordance with law more particularly Section 7-A of the EPF Act, will be taken by it, as expeditiously as possible but not later than three months from the date of receipt of copy of this order.

7] Needless to say that we have not commented upon the merits of the matter.

8] With the aforesaid directions, this petition is disposed of.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)