

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.69/2017

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Vinod Joshi for the Petitioner

CORAM : K. K. TATED, J.
DATE : FEBRUARY 2, 2017

P.C.:

1. Heard. By this petition under Article 226 of the Constitution of India the Petitioner challenges the order dated 29.01.2014 passed by the Assistant Provident Fund Commissioner, Zone-V u/s.7A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (said Act) in respect of M/s. DMET Hostel directing them to pay outstanding dues and other benefits for the period January 1993 to February 2011.

2. The learned counsel for the petitioner submits that in the present proceedings, the Authority has erred in coming to the conclusion that the hostel mess is being run by the students' Union and the petitioners are only supervising Authority. He submits that the workers were not

appointed by the petitioner and/or Union of India. Hence, there is no question of payment of any provident fund by the petitioner. He submits that during pendency of the present Writ Petition, they have already deposited the entire amount of Rs.34,61,501/- with the Authority.

3. It is to be noted that as per the provisions of section 7I of the said Act, an appeal is maintainable before the Tribunal. When an alternate efficacious remedy is available, that has to be exhausted first.

4. Considering the fact that the matter is pending before this court since 2014, liberty granted to the petitioner to file an appeal before the Appellate Authority within four weeks from today. If the appeal is filed within stipulated time as stated hereinabove, the appellate authority to decide the same on its own merits without raising point of limitation.

5. Hence, following order is passed:

a. Liberty granted to the petitioner to file an appeal challenging the impugned order dated 29.01.2014 passed by the Assistant Provident Fund Commissioner, Zone-V u/s.7A of the said Act within four weeks from today before the Appellate Authority.

b. If the appeal is filed within stipulated time as stated hereinabove, the Tribunal to decide the appeal on its own merits.

c. The Writ Petition stands disposed of accordingly.

JUDGE