

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

W.P.No.13375 of 2011

ORDER

Questioning the order dated 13.09.2010 passed by the Employees' Provident Fund Appellate Tribunal, New Delhi, in Appeal ATA No.662(1)2004, the present writ petition is filed.

2. When the matter is taken up for hearing, it is submitted by the learned Standing Counsel for respondents and admitted to by the learned counsel for petitioners that the subject matter of this writ petition is squarely covered by the orders of this Court in W.P.No.7963 of 2000 dated 28.09.2012, wherein this Court considered similar issue and dismissed the writ petition with the following observations.

“Learned counsel for the petitioner has not been able to point out any provision of the Act which entitles the Assistant Provident Fund Commissioner to question the orders passed in an appeal against its own order. I respectfully agree with the above decisions and hold that the Assistant Provident Fund Commissioner exercises quasi-judicial functions and he is not supposed to defend his own orders (when his orders are challenged before the Appellate Tribunal and set aside by such Tribunal), by challenging the orders of the Tribunal in a writ petition filed under Article 226 of the Constitution of India. Any such exercise by the Assistant Provident Fund Commissioner is subversive of judicial discipline”.

Therefore, I hold that the writ petition is not maintainable at the instance of the petitioner and accordingly, the writ petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed”.

3. In the circumstances, this Writ Petition is also dismissed in terms of the orders passed by this Court in W.P.No.7963 of 2000 dated 28.09.2012. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

M.S.K.JAISWAL,J

21st September, 2017

sj