

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.23448 OF 2017

ORDER:

Heard the learned counsel for the petitioner; the learned Assistant Solicitor General appearing for respondents 1 and 2 and Sri B.Narasimha Sharma appearing for respondent No.3. With their consent, the present writ petition is disposed of.

2. The present Writ Petition came to be filed seeking issuance of writ of *mandamus*, declaring the action of respondent No.2 in not numbering and processing the statutory appeal filed by the petitioner as provided under Section 7-I of the Employees Provident Fund & Mics. Act, 1952, against the order passed by respondent No.3 in Proc.No.AP/GR/VSP/41026/Z-54/PD Cell/2017/478, dated 05.05.2017, determining an amount of Rs.3,58,214/- towards levy of penal damages under Section 14-B and an amount of Rs.2,59,856/- as due towards interest under Section 7Q of the E.P.F. & M.P. Act, 1952, as illegal and arbitrary and consequently to set aside the order dated 05.05.2017 passed by the 3rd respondent.

3. At the time when the matter is taken up for hearing, learned counsel for the petitioner submits that an appeal lies before appellate Forum i.e., Central Government Industrial Tribunal, but the same is not constituted till date. In view of the above, it is urged that the petitioner is not able to ventilate his grievance, and as such, approached this Court.

4. The said fact is not disputed by the learned counsel appearing for the 3rd respondent.

5. Having regard to the facts and circumstances of the case and the submissions made, the Writ Petition is disposed of directing the respondents to number the appeal and pass appropriate orders after hearing both sides. Till the said appeal is numbered and heard by the concerned authority, there shall be stay of payment of Rs.3,58,214/- as ordered under Section 14-B of the Employees Provident Fund & Mics. Act, 1952, subject to payment of 50% of the interest due under Section 7Q of the Act, within a period of two (02) weeks from today and the remaining interest due shall be deposited within six (06) weeks thereafter or till the orders are passed in the appeal, whichever is earlier.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:26.07.2017
INL