

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.44496 OF 2017

ORDER:

Heard Mr. M.Vidyasagar, for the petitioner and Smt. Manjula, holding for Mr.Y.Ravindra, for the respondents.

2. In this Writ Petition, the challenge is to the order No.Ac/RO/GNT/48568/PD Cell/GNT/2017-18/5836, dated 15.11.2017, issued by the first respondent-Regional Provident Fund Commissioner-1, Regional Office, Guntur, under Section 14-B of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (for short, 'the Act') for penal damages directing the petitioner to pay an amount of Rs.3,11,662/- and subsequent order No.Ac/RO/GNT/48568/PD Cell/GNT/2017-18/5630, dated 30.11.2017, issued under 7Q of the Act directing the petitioner to pay an amount of Rs.2,56,917/-.

3. Smt. Manjula, appearing for the respondents, while opposing the maintainability of the writ petition, submits that against the orders impugned in the writ petition, the petitioner can avail the statutory remedy of appeal before the Industrial Tribunal.

4. I have perused the orders and taken note of objections raised by counsel appearing for the respondents. The Writ Petition is disposed of by this order:

- (i) The petitioner is given liberty to file an appeal within four weeks from today.

(ii) The petitioner is directed to deposit 50% of the amount as demanded through the proceedings impugned in the writ petition, within two weeks from today.

(iii) On filing of appeal along with proof of payment, the Tribunal shall consider and dispose of the appeal, as expeditiously as possible, preferably within a period of three months from the date of filing of the appeal.

(iv) Since the condition of deposit of 50% of the demanded amount is imposed on the petitioner, order No.Ac/RO/GNT/48568/PD Cell/GNT/2017-18/5836, dated 15.11.2017 and subsequent order No.Ac/RO/GNT/48568/PD Cell/GNT/2017-18/5630, dated 30.11.2017, are stayed pending appeal before the Industrial Tribunal.

JUSTICE S.V. BHATT

DECEMBER 28, 2017

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Dt: 28.12.2017

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