

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.19123 of 2017

Date of Decision:25.08.2017

Darshan Singh and another

... Petitioners

Vs.

Assistant Provident Fund Commissioner and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Ajay Kumar Sharma, Advocate for the petitioner.

P.B. BAJANTHRI J. (Oral)

In the present petition, petitioners have sought for writ of mandamus to respondent No.1 to initiate the proceedings under Section 7-A of the Employees Provident Funds and Misc. Provisions Act, 1952 (for short “the Act”) against respondent No.2.

Perusal of notice vide Annexure P-3 dated 31.7.2017, it has been addressed to the General Manager (R) Food Corporation of India. A copy has been marked to the Assistant Provident Fund Commissioner, provident Fund organization, Regional Office, Urban Estate, Phase-I, Near TV Tower, Bathinda.

Unless and until there is a specific demand to the competent authority in the provident fund for the purpose of holding proceedings under Section 7-A of the Act, petitioners are not entitled for mandamus. Thus, the petitioners have not made out a case seeking directions to the 1st respondent.

Accordingly, petition stands disposed off. Reserving liberty to the petitioners to make necessary demand before the 1st respondent or competent authority by furnishing relevant materials so as to initiate proceedings under Section 7-A of the Act against respondent No.2 in accordance with the provisions of the Act. If such application or demand is

made before the competent authority, in that event, competent authority may consider the grievance of the petitioner in accordance with law.

25.08.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No