

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM No.16311 of 2016 in/and
CWP No.7078 of 2016 (O&M)
Date of Decision: 09.03.2017**

Jasminder Singh

... Petitioner

Versus

Employee's Provident Fund Organisation
and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None for the applicant-petitioner.

Mr. Sanjay Tangri, Advocate,
for the respondents.

RAJIV NARAIN RAINA, J. (ORAL)

1. No one appears for the petitioner despite his position being precarious especially in view of the interim order dated April 21, 2016 containing a direction to him to deposit ad interim a sum of ₹ 2 lakhs within a period of two weeks from the date of order failing which the order dated impugned March 31, 2016 was directed to be given effect which is the notice of warrant of arrest. The petitioner has secured an order to avoid arrest and thereafter has been hoodwinking the Court.

2. In the present application, he complains in para.4 that the respondent has recovered ₹ 2 lacs in two tranches on November 30, 2016 and December 02, 2016. The Court has shown grace to the petitioner and restraint in calling upon the petitioner to comply with his undertaking after failure to do so by the adjourned dates. The petitioner had even at one stage attempted to replace counsel to gain time and prolong the litigation.

3. I do not think it just and appropriate to adjourn this case to await the appearance of the petitioner or his counsel when both may be seen avoiding the consequences of the direction. If the counsel expects further grace and accommodation from this Court to simply issue notice of the application without appearing to press it or to serve Mr. Tangri present in Court and postpone hearing by trick of non-appeared he is sadly mistaken.

4. Consequently, not only the application is declined but the main petition is dismissed by bringing into operation the interim order dated October 26, 2016 which reads as follows:-

“Present. Mr. Rajesh Narang, Advocate for the petitioner.

Mr. Sanjay Tangri, Advocate for the respondents.

Mr. Sanjay Narang, Advocate, intends to file vakalatnama while taking no objection from the previous counsel. This is nothing but delay tactics. In order to comply previous order, there is a change of counsel. The same is deprecated. If Mr. Rajesh Narang, Advocate, intends to file vakalatnama, he be permitted to do so in the Registry.

Order dated 21.04.2016 has not been complied with despite specific direction to the petitioner to deposit a sum of Rs.2,00,000/- within a period of two weeks from 21.4.2016 failing which it was ordered that order dated 31.03.2016 (Annexure P-7) is to be given effect.

Accordingly, respondents-EPF are directed to give effect to order dated 31.03.2016 (Annexure P-7) within a period of two weeks from today and report the same before the next date of hearing.

List this matter on 22.11.2016.”

5. The Registry is restrained from accepting any application from the petitioner in the present petition. However, this will not be true in case, the petitioner appeals against this order which is his right. In case, an application is filed in this case by the petitioner, pleading therein any reason whatsoever including withdrawal of the petition/recall/clarification/modification/review of this order shall be entertained by the office only if it is accompanied by deposit of balance amount of ₹ 3,79,885/- by way of Draft/Bankers Cheque before the Registrar (General) of this Court drawn in the name of the Regional Provident Fund Commissioner, Chandigarh and only on furnishing proof of deposit, the application would be permitted to be listed before the Single Bench for hearing and appropriate orders to be passed thereon.

**(RAJIV NARAIN RAINA)
JUDGE**

09.03.2017

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Whether speaking/reasoned *Yes*

Whether reportable *No*