

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.183 of 2018

In

Letters Patent Appeal No.1442 of 2015

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The Central Board Of Trustees, Employees Provident Fund Organization
Through The Assistant Provident Fund Commissioner & Ors

... .. Petitioner/s

Versus

Dr. Mritunjay Kumar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Kumar Verma, Sr. Advocate
Mr. Prashant Sinha, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-10-2018

I.A. No. 6824 of 2018

Having heard the learned advocate appearing on behalf of the applicant and as we have heard the learned advocate appearing on behalf of the applicant on merits in the review application and for the reasons stated hereinbelow, we are of the opinion that review application deserves dismissal. Delay caused in preferring the review application is hereby condoned and the main review application is hereby heard for admission today itself.

I.A. No. 6824 of 2018 stands disposed of.

Civil Review Application No. 183 of 2018



Present application is preferred by the applicant herein-original appellant to review the order passed by the Division Bench of this Court dated 06.11.2017 passed in L.P.A. No. 1442 of 2015 on the ground that, in fact, before passing the order under Section 7A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952, the enquiry was conducted by the Inspector and it was noticed and found that more than 20 persons were working and, therefore, the concerned employer was subjected to the provisions of the Employee Provident Fund and Miscellaneous Provisions Act, however, it is required to be noted that the main Letters Patent Appeal was dismissed on the ground of unexplained delay of 967 days also for which even there is no explanation in the present review application also.

Even otherwise, it is required to be noted that now the document, which the applicant proposes to rely upon, was neither reflected in the order under Section 7A nor the same was produced before the learned Single Judge nor even the same was produced in the appeal proceedings before the Division Bench. As observed by the Division Bench and even the learned Single Judge, the order passed under Section 7A was a cryptic order and, therefore, the same was rightly set aside.



Considering the aforesaid facts and circumstances of the case, no case is made out to review and/or recall the order dated 06.11.2017 passed in L.P.A. No. 1442 of 2015.

The present application is dismissed.

(Mukesh R. Shah, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	N/A
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Transmission Date	N/A

