

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1566 of 2018

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Mahadeo Singh College, Kilaghat Sarai, Bhagalpur, through its Secretary namely Dr. Shailesh Prasad Singh, Son of Late Jaideo Prasad Singh, R/o Siyaram Nagar, Bhikhanpur, P.S.- Isakchak, Town and District- Bhagalpur.

.... Petitioner/s

Versus

1. The Employees Provident Fund Organization through the Central Provident Fund Commissioner, Bhavishya Nidhi Bhawan, 14, Bhikaji Cama Place, New Delhi- 110066.
2. The Regional Provident Fund Commissioner, sub Regional Office, 64 S.K. Tarafdar Road, Adampur Chowk, Bhagalpur.
3. The Assistant Provident Fund Commissioner, Employees Provident Fund Organization, Sub Regional Office 64 S.K. Tarafdar Road, Adampur Chowk, Bhagalpur.
4. The Enforcement Officer, Employees Provident Fund Organization, Sub Regional Office, 64 S.K. Tarafdar Road, Adampur Chowk, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar, Adv. Mr. Maruth Nath Roy, Adv.
For the Respondent/s	:	Mr. Ram Shankar Pradhan, Adv. Mr. Jai Prakash Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 05-03-2018 This writ petition has been filed by the petitioner to stay the summons issued by the Assistant Provident Fund Commissioner, Sub-Regional Office, Bhagalpur under Section 7A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short EPF & MP Act') vide letter dated 15.12.2017 by which the petitioner has been directed to produce various documents for the period August, 2014 to September, 2017 for the purpose of enquiry to determine the amount due from the petitioner under the EPF & MP Act, Employees Provident Fund



Scheme, 1952, Employees Pension Scheme, 1995 and Employees Deposit Linked Insurance Scheme, 1976.

In my considered opinion, the writ petition is totally misconceived. It is not the case of the petitioner that the authority, who has issued the notice under Section 7A of the EPF & MP Act lacked authority to issue such notice. The authority under Section 7A of the EPF & MP Act is vested with the powers of a civil court. The officer conducting enquiry is vested with the power to conduct enquiry under sub-section (1) of Section 7A of the EPF & MP Act regarding applicability of the EPF & MP Act to an establishment and determine the amount due from any employee under any provisions of the EPF & MP Act, Scheme or the Pension Scheme or the Insurance Scheme as the case may be.

In case the petitioner would be aggrieved by an order passed by the authority under the provisions of sub-section (1) of Section 7A of the EPF & MP Act, he has a remedy of filing an appeal before the Appellate Tribunal.

Since the original proceeding itself is pending before the authority concerned and the petitioner has an effective statutory remedy available after the final order is passed, a writ petition at the initial stage when only notices have been issued is not maintainable.



In that view of the matter, the writ petition, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

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