

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

947 WRIT PETITION NO. 14870 OF 2017

DEORAO SHAMRAO CHATE AND OTHERS

VERSUS

REGIONAL PROVIDENT FUND COMMISSIONER AURANGABAD AND
OTHERS

...

Advocate for Petitioners : Mr. Pawar D.B.
Advocate for Respondents 1 and 2 : Mr N.K.Choudhari
Advocate for Respondent no.3 : Mr. A.C.Darandale

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CORAM : PRASANNA B. VARALE
AND
SUNIL K. KOTWAL, JJ.

DATE : NOVEMBER 1, 2018

O R D E R :

Heard Shri Pawar, learned counsel for the
petitioners.

2. It is submitted before us by the learned
counsel for the petitioners that the petitioners were
appointed some time in the year 1972 to 1975 and have
rendered their services with respondent no.3. Some of
the petitioners are retired on superannuation. The

grievance of these petitioners is that respondent no.3 was duty bound to take certain steps and failure of respondent no.3 made him defaulter. The further grievance of the petitioners is that respondent nos. 1 and 2 ought to have initiated certain actions, however, respondent nos. 1 and 2 failed to take steps as per Sections 7A to 7C of the Employees Provident Funds Act, 1952. As such, the petitioners are before this Court. Learned counsel then submitted that respondent no.2 has passed order dated 25.10.2017 and same is under challenge before this Court.

3. On perusal of material placed on record, it reveals that representations are submitted by these petitioners and respondent nos. 1 and 2 have already initiated action. Order dated 25.10.2017 itself is a communication informing the petitioners that the complaint made by them is received and the competent authority has initiated action against respondent no.3 for determination of the dues under Section 7-1

of the Employees Provident Funds Act.

4. Affidavit-in-reply filed on behalf of respondent nos. 1 and 2 gives us the details of the action initiated by respondent authorities. These details are provided in paragraphs 4 and 5. It also refers to a petition filed by respondent no.3 and then certain interim order passed by this Court. It may be useful for our purpose to refer to the statement made in paragraph 7 and it is stated that the Recovery Officer had issued notice of demand dated 28.4.2017 to the defaulter establishment and directed to deposit the same within 15 days from receipt thereof. Accordingly, show cause notice before issuance of arrest warrant dated 13.6.2017 was issued against the Director of the establishment. In response to the notice, amount of Rs.Five Lakh was deposited, however, respondent no.3 is to pay total outstanding dues. Then, it is submitted that respondent authorities are to follow various

provisions of law and these steps are taken by complying the provisions of law. Then, it is stated in paragraph 12 that inquiry under Section 7A of the Act for determination of dues was initiated by the authorised officer for said period and amount of Rs.82,43,549/- is assessed to be due and payable by the establishment. Then, it is stated that as per the procedure, recovery certificate in respect of order, dated 17.1.2018 will be issued in the first week of April, 2018.

5. Mr. Choudhari, learned counsel for respondent nos. 1 and 2 made a statement that subsequent to filing of reply even notice is issued and the authorities are taking further steps.

6. We are satisfied with the statement made in the affidavit-in-reply and statements made before us by Mr. Choudhari, learned counsel for respondent nos.1 and 2 that the respondent authorities have

initiated action against respondent no.3 and are taking steps by complying various provisions of law. Thus, the grievance of the petitioners made before this Court is already redressed by respondent nos. 1 and 2 and the purpose of approaching this Court is practically served.

7. Resultantly, the petition is disposed of.

[SUNIL K. KOTWAL, J.] [PRASANNA B.VARALE, J.]

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