

2           The petitioner herein being aggrieved by the order dated  
21<sup>st</sup> December 2017 passed by the Presiding Officer, Central  
Government Industrial Tribunal- 2, Mumbai has approached this  
Court by filing the present writ petition seeking the relief of

withdrawal of the amount of Rs.37,27,707/-, which is deposited in this Court pursuant to the order dated 4<sup>th</sup> July 2017.

3           The petitioner had filed Writ Petition No. 1896 of 2017 challenging the order passed by the Assistant Provident Funds Commissioner dated 26<sup>th</sup> May 2017. At that stage, it was argued that the Tribunal was not functional and therefore the petitioner was left with no choice but to approach this Court. The petitioner had deposited the said amount as directed by the Court earlier. It was demonstrated before the Court by the petitioner that the petitioner had also filed an application seeking waiver of pre-deposit under Section 14-B of the Employees Provident Funds & Miscellaneous Provisions Act, before the authority. The petitioner was then directed to avail an alternative remedy and approach the appropriate Forum to decide the issue of waiver. However, this Court (Coram: Prasanna B. Varale, J.) had directed that the issue can be decided by the C.G.I.T., Mumbai and the amount deposited in this Court by the petitioner should be transferred to the Office of the C.G.I.T.-2 Mumbai.

4           It is submitted that the C.G.I.T.-2, Mumbai has passed an order that since 50% of the damages is deposited in the High Court, it would not be necessary to direct the petitioner to pre-deposit the amount and in view of the same, the waiver application was disposed of.

5           Today, the petitioner is seeking the relief of withdrawal of the amount, which is deposited in this Court, in view of the orders passed earlier. According to the learned counsel for the petitioner, pre-deposit is the condition precedent under Section 7(O) read with 7(A) of the Employees Provident Funds & Miscellaneous Provisions Act, 1952 and it is not condition precedent under Section 14(B) of the said Act. At this stage, it would be necessary to comply with the order dated 28<sup>th</sup> September 2017, the amounts that are deposited in this court by the petitioner shall be transferred to the C.G.I.T.-2, (respondent no.2) in order to comply with the order dated 28<sup>th</sup> September 2017.

6           The petitioner would be at liberty to file a fresh application before the C.G.I.T.-2 seeking appropriate reliefs. The C.G.I.T.-2, Mumbai shall consider the application on its own merits without being influenced by any of the orders passed by this Court in the earlier proceedings or in this proceeding.

7           In view of the above directions, the petition stands disposed of. Rule is discharged.

**( Smt. Sadhana S. Jadhav, J)**