

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITON No.1873 of 2018

ORDER:

This Writ Petition is filed seeking writ of mandamus declaring the proceeding No.TS/RO/NZB/Com./7A/34057/2017-18, dated 03.08.2017 issued by the 1st respondent as illegal and arbitrary.

Heard learned counsel for the petitioner and Sri B. Narsimha Sharma, learned Standing Counsel for 3rd respondent.

It is the case of the petitioner that against impugned orders dated 03.08.2017 and 13.10.2017 petitioner filed appeal US (SR) No.544/2017 before the 3rd respondent on 09.11.2017 along with Stay Petition under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for short 'the Act of 1952') but no orders are passed on the same. In pursuance to impugned orders, the respondents are taking coercive steps against the petitioners. Aggrieved by the same, present writ petition is filed.

Learned Standing Counsel for 3rd respondent submits that the petitioners have to satisfy the conditions laid down in Section 7(O) of the Act of 1952 before entertaining appeal, but learned counsel for petitioner submits that petitioner is not in a position to deposit the amount, as without proper reasons, exparte order was passed.

Since the appeal filed by the petitioner is stated to be pending before the 3rd respondent, petitioner can make application under proviso to Section 7 (O) of the Act of 1952 to the 3rd respondent for waiving the condition of pre-deposit and the 3rd respondent may consider the same within a period of one week from the date of receipt of a copy of this order. Pending same, no coercive steps shall be taken. The 3rd respondent is directed to dispose of the appeal as expeditiously as possible preferably within a period of three months thereafter, in accordance with law.

With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.



A.RAJASHEKER REDDY,J

03-07-2018
kvs

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Date 03.07.2018.

