

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No.7546 OF 2011

ORDER:

The petitioner seeks writ of certiorari calling for records connected with the orders of the Employees Provident Fund Appellate Tribunal dated 24.01.2011 passed in ATA No.528(1) of 2006 and Order No.AP/HYD/44152/PD/247/2006/371, dated 20.07.2006, imposing interest and damages totaling Rs.11,27,597/- issued by the 1st respondent and set aside the same as illegal and arbitrary.

2. Respondents filed counter and opposed the writ petition.

3. The petitioner challenges the order in ATA No.528(1) of 2006 passed by the Employees Provident Fund Appellate Tribunal, New Delhi. When the said order dated 24.01.2011 is perused, it would appear the writ petitioner, who is the appellant therein, has not appeared and advanced arguments and therefore, the appellate authority on hearing the counsel for respondent reserved the matter and dismissed the appeal.

4. Now the submission of learned counsel for petitioner is that he is having an arguable case to challenge the damages and interest claimed by the 1st respondent and unless an opportunity is given to him to present his arguments before the Appellate Authority, the petitioner would suffer hardship

and therefore, an opportunity may be given to it. Learned counsel for petitioner would further submit that the petitioner is a Government Corporation and an opportunity be accorded to put forth its case before the Appellate Authority.

5. Having regard to the fact that in the appeal, the appellant has not put forth its arguments and the appeal was disposed of *ex parte* and also considering that the valuable rights of the party are at stake, the order in ATA No.528(1) of 2006, dated 20.07.2006 is set aside and the appellate authority is directed to hear both parties and pass an appropriate order on merits. Before hearing, notice is to be given to both parties giving date of hearing.

6. Accordingly, with the above direction, this writ petition is disposed of. As a sequel, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

18.09.2018
SS

U.DURGA PRASAD RAO, J