

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.24496 OF 2005

ORDER:

Heard Mr.T.Balaji, learned Standing Counsel appearing for the first respondent.

The petitioner in an earlier round of litigation, filed W.P.No.21604 of 2004 seeking to set aside the proceedings dated 8.10.2004, wherein, an explanation was called for from the petitioner for payment of interest and damages for belated remittance of Provident Fund. The said Writ Petition was disposed of by orders dated 01.12.2004 granting liberty to the petitioner to seek appropriate relief before the 3rd respondent i.e. the Chairman, Central Board of Trustees, Employees Provident Fund Organisation, New Delhi. Thereafter, the petitioner has preferred an appeal before the 2nd respondent i.e. the Employees Provident Fund Appellate Tribunal, New Delhi and the same was disposed of by order dated 25.07.2005 holding that the impugned proceedings therein is only a show-cause notice. In pursuance thereof, notice dated 28.10.2005 was issued by the 1st respondent directing the petitioner to represent the matter before it on 16.11.2005 at 11.00 a.m. at Barkatpura, Hyderabad. Aggrieved thereby, the petitioner has filed the present writ petition.

While admitting the writ petition, this Court granted conditional stay by order dated 16.11.2005.

Now, it is represented by Mr.T.Balaji, learned standing counsel for the 1st respondent that the conditional order has been complied with by the petitioner. Since the proceedings assailed in the writ petition is only a show-cause notice, the writ petition is not maintainable since

filing an explanation and making available the proper evidence before the respondent-authorities would suffice in proceeding with the matter.

In that view of the matter and considering the submission made by the counsel for the first respondent, the writ petition is dismissed granting liberty to the petitioner to approach the respondents by filing explanation within a period of four weeks from the date of receipt of a copy of this order. On such approach, the respondents shall issue a fresh notice indicating the date, time and place to the petitioner for their appearance and decide the matter by passing a reasoned order within a period of three months after affording opportunity of personal hearing to the petitioner. No costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

24th AUGUST 2018
TSR



T.AMARNATH GOUD, J