

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No.27972 of 2018**

**ORDER:**

This writ petition is filed challenging the proceedings dated 09-07-2018 passed by the 1<sup>st</sup> respondent on the ground that the application filed by the petitioner under Section 7A(4) of Employees Provident Funds and Miscellaneous Provisions Act (for short “ the Act”) was dismissed without giving notice to the petitioner.

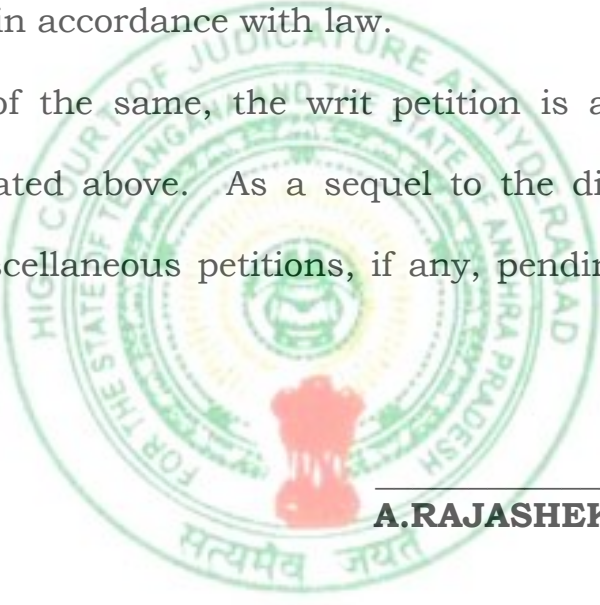
Learned counsel for the petitioner submits that even original order was passed on 06-12-2016 as exparte order and notice regarding period from 2014 to 2016 is not issued. In as much as the claim period as per summons was unilaterally extended from 04/09-04-2013 to 04/09-03-2016, only based on the record submitted by the petitioner on 29-11-2016 during proceedings under Section 7-A, impugned order is passed. No notice was given to explain the facts, while passing the impugned order. As such, the impugned order is in violation of principles of natural justice.

Sri G.Venkateshwarlu, learned Standing Counsel for respondent-organization submits that the petitioner participated in the enquiry and order dated 06-12-2016 was passed and the petitioner himself reported that he has no evidence to produce on 29-11-2016. Even after period of limitation is expired, the application under Section 7-A(4) of the Act is filed and the 1<sup>st</sup> respondent rightly dismissed the

application stating that order dated 06-12-2016 is not an exparte order and the application filed under Section 7-A (4) is beyond limitation.

A perusal of the impugned order goes to show that it does not appear that any notice was issued to the petitioner before disposing the application filed under Section 7-A(4) of the Act. Only on the ground of violation of principles of natural justice, the impugned order is set aside. The 1<sup>st</sup> respondent is directed to issue notice to the petitioner and pass orders in accordance with law.

In view of the same, the writ petition is allowed to the extent indicated above. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.



**A.RAJASHEKER REDDY,J**

27-08-2018

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