

HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.38036 OF 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner University seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon’ble court may be pleased to issue a Writ, order, or direction more particularly in the nature of “Writ of Mandamus” declaring the action of the Respondents in freezing the EPF A/c No. 3484176680 of the petitioner university basing on the 1st respondent’s letter No. AP/RO/ GNT/ 40199/ COMP-II/Z-IV/8F Order/ 2018/ 374 dated 08.10.2018 served to respondent No.3 and the same was intimated to the petitioner university on 15.10.2018 through letter No. F/EPFO/143 dated 12.10.2018, despite of appeal petition vide letter dated 04.10.2018 preferred by the petitioner university before the respondent No. 2, against the orders of the respondent No. 1 vide AP/RO/ GNT/ 40199/ Comp-II/Z-IV/7A Order/ 2018/137, dated 13.06.2018 passed under Sec 7A of the EPF & Miscellaneous provisions Act 1952, is pending before the Respondent No.2 as permitted by the Hon’ble Court order dated 24.09.2018 in W.P No. 26790 of 2018, is being illegal, arbitrary and violative of Article 14, 16, 21 and 226 of Constitution of India without Jurisdiction and unenforceable in Law and consequently direct the respondents to forthwith defreeze the EPF A/c No. 34841746680 of the petitioner university and to refrain from taking any further coercive steps pending consideration of appeal petition before the respondent No.2 and grant such relief or further reliefs as this Hon’ble court may deem fit and proper in the circumstances of the case in the interest of justice.”

2. Heard Sri P.Madhusudhana Reddy, learned counsel for the petitioner University, Sri T.Balaji, learned Standing Counsel for respondents 1 & 2 and Sri B.S.Prasad, learned Standing Counsel for the 3rd respondent.

3. At the hearing, it is represented that the subject matter involved in this writ petition is the consequence of the earlier writ petition in W.P.No.26790 of 2018, wherein a demand has been raised against the petitioner University by the respondents for payment of 6,35,55,725/- towards the arrears of EPF Account.

4. The case of the petitioner University is that the petitioner University do not fall under the ambit of payment of EPF, as the employees of the petitioner University are daily wage workers and their salaries are much below the salaries indicated.

5. Learned counsel for the petitioner University submits that presently, the respondents have freezed the Bank Account of the petitioner University, which is with the 3rd respondent Bank.

6. Without going into the merits of the case, since the subject matter is already *sub judiced* with the 2nd respondent - Commissioner, Employees Provident Fund Organisation, Guntur, and that while the matter is pending with the 2nd respondent, the 1st respondent - Assistant Provident Fund Commissioner, Employees Provident Fund Organization, Guntur, has initiated to take steps to freeze the account of the petitioner University by virtue of the impugned order, dated 08.10.2018, the Writ Petition is disposed of directing the 2nd respondent - Commissioner to decide the matter expeditiously, preferably within a period of eight (08) weeks from the date of receipt of a copy of this order. It is needless to observe that the petitioner University shall co-operate with the enquiry proceedings before the 2nd respondent - Commissioner. Pending proceedings before the 2nd respondent -

Commissioner, the impugned order, dated 08.10.2018, which is passed by the 1st respondent, is suspended.

There shall be no order as to costs.

Miscellaneous Petitions, if any pending, shall stand closed.

T.AMARNATH GOUD, J

Date: 19th October, 2018

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