

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.1178 of 2000 (O&M)
Date of Decision: 04.12.2018

The Punjab State Cooperative Supply
& Marketing Federation Limited

... Petitioner

Versus

Regional Provident Fund Commissioner
and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Tarunvir Singh Lehal, Advocate,
for the petitioner.

Mr. Rajesh Hooda, Advocate,
for respondents No.1 and 2.

RAJIV NARAIN RAINA, J.(Oral)

1. The amount involved in this case is a petty ₹21,233/- which Markfed owes towards Provident Fund contributions for the period July 1979 to September 1997 administered by the Regional Provident Fund Commissioner, Chandigarh.

2. Mr. Hooda appearing for the Organization submits that against the order of assessment dated July 15, 1999 passed under Section 7-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 ("the Act") a writ petition does not lie as an appeal is provided under Section 7-I of the Act. A resort to the alternative remedy has not been taken.

3. Mr. Hooda is right in his submission that an appeal lies and, therefore, the writ is not maintainable. In case, Markfed is to file an appeal it would inevitably spend more money than the sum sought to be recovered which would be an additional burden on the Federation, which is an organ

of the State.

4. To put an end to the trifling dispute and in order to serve the ends of justice and to balance out the interest of both the parties in a fair and just manner, Markfed is directed to deposit the money assessed in the impugned order within two months from today in the accounts of the respondent organization. That will be a practical end to the dispute as no serious legal issue or a substantial question of law was raised for the consideration of this Court.

5. The petition stands disposed of as above.

(RAJIV NARAIN RAINA)
JUDGE

04.12.2018
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Whether speaking/reasoned Yes

Whether reportable No