

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Letters Patent Appeal No. 24 of 2018 (O&M) in
CWP No. 10806 of 2012 (O&M)
Date of decision: 10.1.2018

M/s S. H. Brick Gram Udyog Samiti

.. Appellant

v.

Employees Provident Fund Tribunal and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE B. S. WALIA

Present: Mr. BPS Virk, Advocate for the appellant.
Mr. Rajesh Hooda, Advocate for respondents No. 2 and 3.

...

Rajesh Bindal J.

The appellant has impugned the order passed by the learned Single Judge dismissing the writ petition, whereby the order dated 15.4.2005 passed by the Assistant Provident Fund Commissioner and order dated 16.5.2011 passed by Employees Provident Fund Appellate Tribunal (for short, 'the Tribunal'), were upheld.

What is recorded in both the orders is that despite grant of opportunity, the appellant failed to appear and produce the record, hence,

the authorities did not have any other choice but to frame assessment in

terms of the available record.

Learned counsel for the appellant sought to argue that the record could not be produced because of certain unavoidable circumstances. The appellant is willing to produce the record so that proper amount of provident fund, if any, can be determined, which shall be paid by the appellant.

Though considering the conduct of the appellant, he does not deserve to be granted any concession, but still considering the fact that the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short, 'the Act') has been enacted for welfare of the workmen, which are governed under the provisions of the Act, and the appellant is ready and willing to produce the record available with him to prove that assessment of provident fund and other charges by the Assistant Provident Fund Commissioner deserve to be re-worked out, we deem it appropriate to grant one opportunity to the appellant to produce the record before the Assistant Provident Fund Commissioner.

While setting aside the orders dated 15.4.2005 and 16.5.2011, passed by the Assistant Provident Fund Commissioner and the Tribunal, respectively and also the order passed by the learned Single Judge, the appellant is directed to appear before the Assistant Provident Fund Commissioner on 8.2.2018 at 10.00 AM. The opportunity is being granted subject to appellant's paying cost of ₹ 50,000/- to the organization, which shall be deposited by the appellant before he is heard on the merits of the controversy. In case of failure, the present appeal shall be deemed to have been dismissed.

The appeal stands disposed of.

(Rajesh Bindal)
Judge

(B. S. Walia)
Judge

10.1.2018
mk

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No