

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3317 of 2019

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Mahadeo Singh College, Kilaghat, Sarai, Bhagalpur through its Secretary, namely, Dr. Shailesh Prasad Singh, aged about 58 years, male, son of Late Jaideo Prasad Singh, resident of Siyaram Nagar, Bhikhanpur, P.s.-Isakchak, Town and Distt.-Bhagalpur

... .. Petitioner/s

Versus

1. THE UNION OF INDIA through the Secretary, Ministry of Labour and Employment, Govt. of India, Delhi
2. The Provident Fund Commissioner, Bhavishya Nidhi Bhawan, 14, Bhikaji Cama Place, New Delhi-110066
3. The Regional Provident Fund Commissioner, Sub Regional Office, 64 S.K.Tarafdar Road, Adamipur Chowk, Bhagalpur
4. The Assistant Provident Fund Commissioner, Employee Provident Fund Organization, Sub Regional Office, 64 S.K.Tarafdar Road, Adampur Chowk, Bhagalpur
5. The Enforcement Officer, Employees Provident Fund Organization, Sub Regional Office, 64 S.K.Tarafdar Road, Adampur Chowk, Bhagalpur
6. The State of Bihar through the Principal Secretary, Deptt. of Education, Bihar
7. The Chancellor of Universities of Bihar, Raj Bhawan, Patna
8. The Tilka Manjhi Bhagalpur University, Bhagalpur through its Registrar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Adv.
For the Respt. Nos. 2 to 5		Mr.R.S. Pradhan, Sr. Adv.
		Mr. Jainandra Kumar, Adv.
For the University		Mr. Ashhar Mustafa, Adv.
For the State		Mr. Shankar Kumar Thakur, AC to GP-27

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 20-02-2019 Heard learned counsel for the petitioner, University,

State and respondent nos. 2 to 5.

In the present case, the petitioner is seeking the
following reliefs:-

“For issuance of an appropriate writ/s,
order/s, Direction/s for quashing of order dated
15.01.2019 passed by A.P.F.C, Employment
Provident Fund Organisation, (for short E.P.F.O.)



Bhagalpur vide Diary No. 172/18 whereby and whereunder he was pleased to pass the order that *“In order to enforce production of records the account of the Establishment may be attached u/s. 7A(2) till records are produced and further the Establishment was directed to produce the records on next date and deposit the imposed penalty till 12.02.2019”*

For issuance of an appropriate writ/s, order/s, Direction/s to the respondents A.P.F.C, Employment Provident Fund Organisation, (for short E.P.F.O.), Bhagalpur not to attach the Bank Account of the College in question and take any coercive action against the Establishment till the lis is pending adjudication before Central Government Industrial Tribunal (C.G.I.T.), Dhanbad on the point of maintainability and applicability of the provisions of Employees’ Provident Funds and Miscellaneous Provisions Act, 1952.

For issuance of an appropriate writ/s, order/s, Direction/s to the respondents A.P.F.C, Employment Provident Fund Organisation, (for short E.P.F.O.) Bhagalpur not to take any action against the establishment in light of the order passed by Hon’ble Supreme Court of India as reported in (2007) Volume-I SCC 268 namely Regional Provident Fund Commissioner Vs. Sanatan Dharam Girls Secondary School and others.”

During the argument, the petitioner has submitted that



his bank account has been attached and on that account it is very difficult to run the college. He has further stated that the applicability of the Employees Provident Fund Act against the petitioner is under challenge before the Appellate Tribunal where ATA No. 804 (3)2016 (Annexure-13) and ATA No. 820 (3)2016 (Annexure-13/2) are pending where the issue with regard to the applicability as well as assessment is under consideration. The petitioner has been asked for production of document but failed to produce the same that led to attachment of account compelled the petitioner to approach this Court.

As the matter is pending before the Tribunal now it will be better for the petitioner to approach the C.G.I.T.-I, Dhanbad who will be obliged to hear the petitioner and take decision.

As per the Notification, C.G.I.T.-I, Dhanbad has been declared as the Appellate Authority under the Employees Provident Act. Even if the issue of jurisdiction is still existing, in view of Notification, this Court directs the C.G.I.T.-I to decide the present issue of attachment of bank account of petitioner. The petitioner will file a fresh application. If that be so, the C.G.I.T.-I will proceed and decide the same as early as possible.



With the above observation and direction, this application is disposed of.

(Shivaji Pandey, J)

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