

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18831 of 2019

=====

Mahadeo Singh College, Kilaghat, Sarai, Bhagalpur, through its Secretary, namely, Dr. Shailesh Prasad Singh, son of Late Jaideo Prasad Singh, resident of Siyaram Nagar, Bhikhanpur, P.S. Isakchak, Town and District- Bhagalpur.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Labour and Employment, Government of India, New 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, Adamipur Chowk, Bhagalpur.
5. The Enforcement Officer, Employees Provident Fund Organization, Sub Regional Office, 64 S.K. Tarafdar Road, Adamipur 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

=====

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For respondent Nos.2 to 5:		Mr. R.S. Pradhan, Sr. Advocate
		Mr. Jai Prakash Verma, Advocate
For Union of India	:	Mr. Uma Shankar Verma, S.C.C.P Govt. of India
For Respondent No. 8	:	Mr. Ashhar Mustafa, Advocate
		Mr. Abu Nasar, Advocate
For the State	:	Mr. Abhanjali, Advocate, A.C. to G.A-12.

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 24-10-2019

Heard learned counsel for the parties.

2. The petitioner is seeking following reliefs in the writ application:-



(i) 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 Organization, (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”.

(ii) For issuance of an appropriate writ/s, order/s, direction/s to the respondents A.P.F.C, Employment Provident Fund Organization, (for short E.P.F.O.), Bhagalpur, to permit the petitioner to operate the Bank Account of the College in question till the *lis* which is pending adjudication before Central Government Industrial Tribunal (C.G.I.T.) - I, Dhanbad, on the point of maintainability and applicability of the provisions of Employees’ Provident Funds and Miscellaneous Provisions Act, 1952.

(iii) For issuance of an appropriate writ/s, direction/s, order/s to the respondents for de-freezing the bank account of the petitioner college and restraining the



respondent from taking any coercive action against the petitioner as per letter No. BNM/2019-20/74 dated 06.07.2019 issued by SBI, PB Branch, Bhagalpur, that RPFC Bhagalpur, has demanded a sum of Rs.67,73,904/- for the period 01.07.1986 to 31.03.2009 which is in violation of earlier order passed by EPFAT, New Delhi, vide its order dated 18.08.2016 and 22.08.2016.

(iv) For issuance of an appropriate writ/s, direction/s, order/s to the respondents not to force/put pressure upon the College Administration to furnish the ECR and digital signature of the employees till the matter is pending before CGIT-I, Dhanbad, who is in seisin of the matter.

3. It transpires on the basis of submission advanced on behalf of the petitioner and pleadings on record, that an appeal is pending before the CGIT No. I, Dhanbad, arising out of the same order, under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

4. Learned counsel for the petitioner has submitted that through, the Tribunal has concluded hearing of the case, no final order has been passed, and in the meanwhile, the authorities under the Employees Provident Fund Act, are proceeding to take



coercive measures in the light of the order which is under challenge.

5. The petitioner, in my opinion, cannot be permitted to maintain two proceedings, one before this Court and the other before the Tribunal for identical cause.

5. Considering the facts and circumstances, this writ application is disposed of with an observation that let the Proceeding before the Tribunal be expeditiously concluded, if not already concluded, within two months from the date of receipt/production of a copy of this order, as it has been stated that hearing of the matter has already been done in the said case.

6. The petitioner shall be at liberty to apply for any interim relief before the Tribunal in the meanwhile, in accordance with law.

(Chakradhari Sharan Singh, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	04/11/2019
Transmission Date	N.A.

