

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPL No. 29 of 2012

1. Smt. Radha Gupta W/o Shri Ashok Kumar Gupta, aged about 40 years,
 2. Ashok Kumar Gupta S/o Shri Hari Das Gupta, aged about 44 years,
- Both R/o Haldibadi, Chirmiri, District- Korea (C.G.)

---- Petitioners

Versus

1. Union Of India, through the Secretary, Ministry of Labour, Government of India, New Delhi And Ors Employees Provident Fund Organisation, Regional Office Block-D, Scheme No. 32, Indira Gandhi Vyavsayik Parisar, Pandri, Raipur C.G.
3. Assistant Provident Fund Commissioner, Employees Provident Fund Organisation, Regional Office, Block-D, Scheme No. 32, Indira Gandhi Vyavsayik Parisar, Pandri Raipur (C.G.)
2. Recovery Officer, Employees Provident Fund Organisation, Regional Office Block-D, Scheme No. 32, Indira Gandhi Vyavsayik Parisar, Pandri, Raipur (C.G.)

---- Respondents

For Petitioner	:	Mr. Prateek Sharma along with Ms. Pragya Pandey, Advocates.
For Respondent/s	:	Mr. Sunil Pillai along with Mr. P. Chetan Kumar, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29/08/2019

1. The challenge in the present writ petition is to the order Annexure P-1 dated 25.07.2011 passed by respondent No. 3 whereby they have issued an order directing the petitioners to deposit an amount of Rs. 8,21,240/- by the 05.08.2011, failing which the proceedings under 8

(B) & 8(G) of the The Employees provident Funds and Miscellaneous Provisions Act, 1952 would be invoked.

2. The writ petition was filed on 23.02.2012 there was no interim order granted to the petitioner till date. In all probability the order of recovery by now must have been executed by the respondents and thus present writ petition must have rendered infructuous.
3. During the course of hearing it is revealed that petitioner on an earlier occasion filed WPL 2610/2009. This High Court after considering the pleadings of the parties made following observations while disposing the writ petition :-

“The petitioners have challenged the order dated 6/6/07(Annexure A-1) passed by respondent No. 2 directing recovery of Provident Fund due and payable in favour of the employees alleged to be deposited by the petitioners in their establishment. In the petition, petitioners have stated that a review petition has been filed which is pending for consideration. This factual position has not been disputed in the return filed by the respondents.

Under the circumstances, without commenting on the merits of the case, it would be appropriate to direct the respondents no.2 and 3 to consider and pass orders expeditiously, in accordance with law on petitioner's review petition (Annexure P/5) dated 12/11/08.

In case grievance of the petitioners is still not redressed, it would be open for the petitioners to take recourse to such remedy, as may be available under the law.”

4. The operative part of the said order clearly reflects that this Court had granted the petitioner permission to approach the competent

authority under the law for redressal of their grievances, in case if the petitioners grievance is not redressed even after the order passed by this Court dated 13.07.2010 in WPL 2610/2009. The operative part clearly holds that remedy available to the petitioner for redressal of their grievance would be that which is available under the Provisions of EPF Act, 1952.

5. It appears that petitioners have not availed the said remedy available under the said Act but approached this Court by filing the present writ petition. In the context of the operative part of order dated 13.07.2010 passed in WPL 2610/2009, this Court does not find it to be a fit case for entertaining the case, particularly when there were alternative statutory remedy available to the petitioner.
6. The writ petition for both these reasons fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Rohit