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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION**

WRIT PETITION NO.4308 OF 2015

Gaiomurd Nadir Peddar and
anr ... Petitioners

V/s.
The Regional Provident Fund
Commissioner II, (Recovery) and
anr Pune ... Respondents

Mrs. Mallika Ingale a/w Mr. Rushit P. Thakkar i/by
Thodur Law Associates, for the Petitioner.

Mr. Suresh Kumar a/w Ms. Mohini Chougule for for
respondent No.1.

Mr. A.R. Patil for the respondent State.

CORAM : MRS. MRIDULA BHATKAR, J.

DATE : 8th FEBRUARY, 2019.

P.C. :

1] Heard learned counsel for the petitioners and
respondents.

2] In this case, the offence committed under Section 14(1A),
14 (2A) and 14(1b) of the Employees Provident Fund and
Miscellaneous Provisions Act, 1952 read with paragraph No.76 (b) of
the Employees Provident Fund Scheme 1952 framed thereunder.

3] Notices were issued by Regional Provident Fund
Department to the petitioners in the year 2005 for non payment of

payment of E.P.F., employer's contribution in respect of 21 employees. As payment was not made, 21 cases were registered against the present petitioners, in the year 2005. Process was issued in all 21 cases in the year 2012.

4] Against issuance of process, one composite Writ Petition No.1888 of 2013 was filed. However, that petition was withdrawn. Permission was sought to withdraw the petition to enable the petitioner to take appropriate steps before the Provident Fund Authority for withdrawal of the cases on the background that the payment of dues and damages were already made.

5] Learned counsel for the petitioners points out the communication sent by Regional provident Fund II (Legal), Pune on 14.8.2015, giving reply to the application filed by the petitioner dated 5th August, 2015, thereby refusing to give hearing in the matter of withdrawal of prosecution of the petitioners, on the ground that the matter is subjudice before Judicial Magistrate First Class, Railway Court, Daund.

6] Learned counsel therefore, submits that this writ petition was filed in the year 2015. This writ petition is opposed by respondent on the ground that 21 orders are challenged in one writ petition and hence not maintainable.

7] Learned counsel for the petitioners seeks permission to

withdraw this petition with liberty to file 21 fresh petitions from the same cause.

8] The writ petition is allowed to be withdrawn with liberty as prayed for subject to filing the petitions within one month from the date of this order.

9] Ad-interim relief granted earlier by this Court to continue till 11.03.2019.

[MRS. MRIDULA BHATKAR, J.]