

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2471 OF 2017
WITH
WRIT PETITION NO.6908 OF 2016

Shivaji Arts Commerce College, Amravati, Thr. its Principal
-vs-
Assistant Provident Fund Commissioner, Sub-Regional Office, Akola

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Abhay Sambre, Advocate for petitioner.
Shri H. N. Verma, Advocate for respondent.

CORAM : A.S.CHANDURKAR, J.
DATE : March 12, 2019

In view of notice for final disposal issued earlier,
the writ petitions are taken up for hearing.

An order passed under provisions of Section 14-B
read with Section 7-Q of the Employees Provident Fund
And Miscellaneous Provisions Act, 1952 is under
challenge in these writ petitions. A preliminary
objection has been raised on behalf of the respondent in
which it is stated that the statutory remedy of appeal
under provisions of Section 7-I of the said Act is
available for being availed.

Though Shri A. Sambre, learned counsel for the
petitioner tried to justify the need to entertain the writ
petitions, considering the fact that a statutory remedy is
available for the petitioner and in view of the fact that
the writ petitions were filed within period of sixty days
from passing of the impugned order, the following order

would serve the ends of justice :

(i) The petitioner is permitted to avail the remedy available under Section 7-I of the said Act by filing an appeal within period of thirty days from today.

(ii) Till the said appeal is filed and prayer for interim relief is considered by the Tribunal, the ad interim relief granted by this Court shall continue to operate. This continuation however would be without prejudice to the contentions of the respondent herein.

(iii) The points raised in the writ petitions are kept open.

(iv) With these directions both the writ petitions are disposed of.

JUDGE