

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

Writ Petition No.6252 of 2016
Municipal Council Vs. The Assistant Provident Fund Commissioner

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P.P. Deshmukh, Advocate for petitioner.
Mr. H.N. Verma, Advocate for respondent

CORAM : MANISH PITALE, J.

DATED : DECEMBER 10, 2019

At the outset, when the writ petition is called out for hearing, a preliminary objection is raised on behalf of the respondent that the petitioner Municipal Council has alternate remedy of filing an appeal under Section 7(i) of the Employees Provident Fund Miscellaneous Provisions Act, 1952, before the appellate authority and that, therefore, the present writ petition may not be entertained.

2. The facts on record show that the impugned order passed by the respondent under Section 7(a) of the aforesaid Act was passed on 14/07/2016 and that the present writ petition was filed before this Court on 21/10/2016. It appears that if the petitioner would have opted for the statutory remedy available and the date of filing of the present writ petition is taken into consideration, the appeal could have been preferred by

the petitioner before the appellate authority, within the extended period of limitation.

3. Considering this fact, as also undisputed position that the petitioner has an alternate remedy of filing an appeal under Section 7(i), the present writ petition is disposed of with liberty to the petitioner to approach the Appellate Court under Section 7(i) of the said Act to challenge impugned order passed by the Tribunal. The petitioner shall take steps to avail of the said alternate remedy within a period of four weeks from today. The Appellate authority shall consider the contention raised on behalf of rival parties, without being influenced by the order passed by this Court in the present writ petition.

4. The writ petition is disposed of in above terms.

JUDGE