

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.27914 of 2019

ORDER:

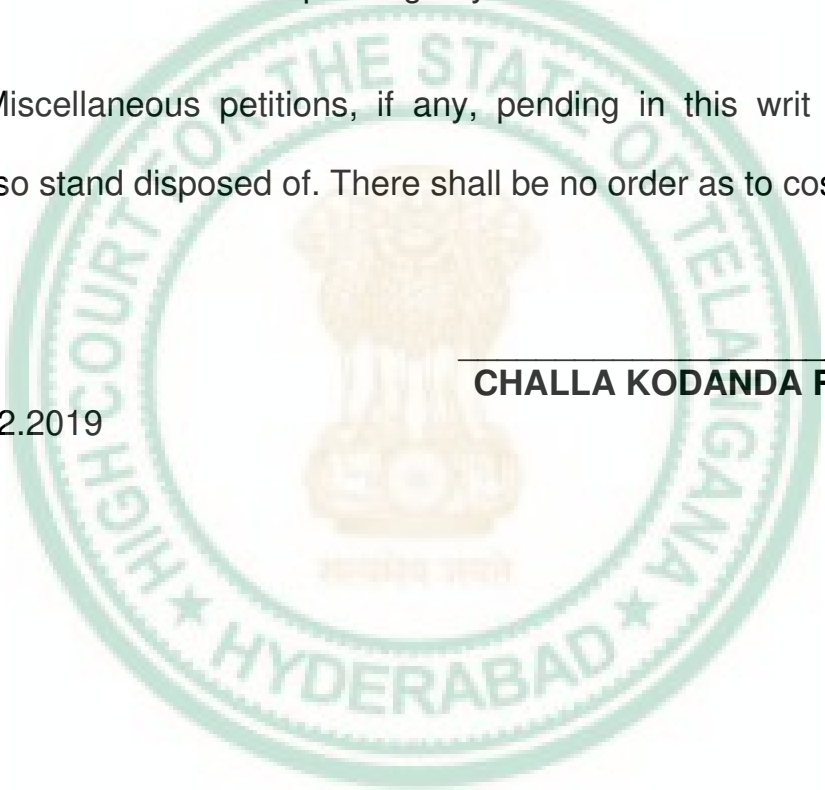
In this writ petition, petitioner challenges the prohibitory order dated 02.12.2019 passed by respondent No.4-Recovery Officer, Employees Provident Fund Organization, Regional Office, Warangal under Section 8F of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

One of the grounds urged by the learned counsel for the petitioner is with respect to the un-sustainability of the impugned order as the same is passed in violation of the principles of natural justice. He submits that the petitioner's saving account in respondent No.5 Bank has been attached without there being any finding recorded in the impugned order that he is liable for payment of dues as claimed by respondent Nos.1 to 4 and that initially, when a notice was issued on 04.11.2019, the petitioner appeared and sought certain information and thereafter, no enquiry was conducted and no opportunity was given, however, respondent No.4 passed the impugned order.

Learned Standing Counsel for the Employees Provident Fund Organization appearing for respondent Nos.1 to 4 submits that as the grievance of the petitioner is with respect to non-issuance of notice and non-conducting of enquiry, this Court may issue necessary directions to the respondent authorities to give opportunity to the petitioner and pass an order afresh.

In view of the above, the writ petition is allowed and the impugned order is set aside on the sole ground of violation of principles of natural justice. Respondent Nos.1 to 4 shall issue fresh notice to the petitioner precisely setting out in what circumstances and for what reason he would be liable to pay the due amount by giving reasonable time to submit his explanation and after considering the same, pass an order in accordance with law. It is needless to mention that the petitioner may be heard in person or through his counsel before passing any order.

Miscellaneous petitions, if any, pending in this writ petition shall also stand disposed of. There shall be no order as to costs.



CHALLA KODANDA RAM, J

Dt:17.12.2019

kdl

