

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.47865 OF 2018

DATED :29.01.2019

Between :

M/s. Wing Infonet Ltd.,
Rep. by its Managing Director,
Sri Ajay Gandhi, 1002, Paigah Plaza,
Near Skyline Theatre, Basheerabad,
Hyderabad-500029.

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Petitioner

And

Assistant P.F. Commissioner,
Regional Office, Barkatpura,
Hyderabad and another.

..

Respondents

This court made the following :

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ORDER:

Petitioner is aggrieved by the orders, dated 31.07.2018, made under Sections 7Q and 14B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for short, 'the Act').

2. Against the orders passed by the original authority under Sections 7Q and 14B of the Act, remedy of appeal is available. The Central Industrial Tribunal at Hyderabad is now designated as the appellate authority to deal with the appeals filed under Section 7I of the Act.

3. Since, the petitioner has a remedy of appeal under Section 7I of the Act, the Court is not inclined to entertain the Writ Petition.

4. At this stage, the petitioner claims to have filed appeals along with applications vide D.Nos.370 and 371 on 14.12.2018 praying to condone the delay of 60 days in filing the appeals against the orders, dated 31.07.2018. The said applications were returned by the office by endorsing "returned due to delay in petition".

5. The office of the Central Industrial Tribunal could not have returned the appeals filed by the petitioner. Whether the delay applications are validly made or whether the delay can be condoned or not, is for the Tribunal to consider and not for the office. Therefore, the return of appeals filed by the petitioner on that ground is erroneous.

6. However, it is made clear that the petitioner is entitled to represent the appeals already filed and on such representation, the Tribunal shall consider the maintainability of the appeals and whether any case is made out for condonation of delay and pass appropriate orders.

7. Subject to the above, the Writ Petition is disposed of. Pending miscellaneous petitions shall stand closed.

29th January, 2019
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P.NAVEEN RAO,J

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