

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 17.01.2019****CWP No.1131 of 2019**

The Punjab State Co-operative Supply & Marketing Federation Ltd.

...Petitioner

Vs.

Employees Provident Fund Department, Amritsar & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Geeta Sharma, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

Notice of motion to respondent No.1.

Mr. Sanjay Tangri, Advocate, who is present in Court, accepts notice of behalf of respondent No.1 and waives service on it.

The Punjab State Cooperative Supply & Marketing Federation Ltd. (MARKFED) has filed an appeal under Section 7(1) of the Employees Provident Fund & Miscellaneous Provisions Act, 1952 (for short 'the Act') against an order passed under Section 7A of the Act. While the appeal has been filed, the Central Government Industrial Tribunal, Chandigarh – I – cum- Employees Provident Fund Appellate Tribunal (relocated in Chandigarh from Delhi with powers conferred on the Central Government Industrial Tribunal) does not presently have a Presiding Officer posted to man the Tribunal. This matter arises out of the territorial jurisdiction of Amritsar falling within the purview of the Central Government Industrial

Tribunal, Chandigarh – I. The Central Government Industrial Tribunal, Chandigarh – II is functioning, but lacks jurisdiction to entertain the appeal.

An appeal requires pre-deposit of up to 75% of the amount due assessed by the Assessing Authority. Discretion lies with the Tribunal to make orders thereon. As the petitioner has no access to the Tribunal, then till such time as a Presiding Officer is not posted to the Central Government Industrial Tribunal, Chandigarh – I, respondent No.1 – Employees Provident Fund Organization will maintain status quo till such time as the Tribunal does not start functioning. Accordingly, no coercive steps be taken by the respondent authorities till the time protected to await the joining of the Presiding Officer.

With these observations and directions, the petition stands disposed of.

17.01.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No