

CWP-4970-2019

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

(240-A)

CWP-4970-2019

Date of decision : 06th December, 2019

M/S VIKAS MAHAJAN

.....Petitioner

Versus

EMPLOYEES PROVIDENT FUND DEPARTMENT AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE GIRISH AGNIHOTRI

Present: Mr. Vikas Salathia, Advocate
for the petitioner.

Mr. Sanjay Tangari, Advocate
for the respondent No.1.

Mr. S.K. Sharma, Advocate
for the respondent No.2-UOI.

GIRISH AGNIHOTRI, J (ORAL)

The present writ petition has been filed by M/s. Vikas Mahajan, inter alia praying for Writ in the nature of Mandamus directing respondent No.1 not to initiate coercive recovery of the amount assessed under Section 14B and 7Q of the Employees Provident Fund and Misc. Provisions Act, 1952, from the petitioner and for staying the coercive recovery till the time the presiding officer of the Tribunal is appointed and the Statutory Appeal of the petitioner filed under Section 7(1) of the Employees Provident Fund and Misc. Provisions Act, 1952 (Annexure P-5) is heard and decided on

merits.

This Court on 25.02.2019 passed the following orders;

“The Presiding Officer has not yet been appointed to hear cases falling before CGIT-1, Chandigarh. Therefore, the appeal and stay application filed by the petitioner before CGIT-1 cannot be heard.

The petitioner has filed an appeal on 08.02.2019 (P-5) with the Registry of CGIT.

Notice of motion.

Mr. S.K. Sharma, learned counsel accepts notice on behalf of respondent No.2.

Notice to Mr. Sumeet Goel, learned counsel who appears for the Corporation.

Learned counsel for the petitioner to supply copy of the petition to Mr. Goel.

This completes service on both the respondents.

List again on 09.07.2019.

Meanwhile, the EPF organization would not take any coercive measure against the petitioner till such time as stay matter and appeal are taken up for hearing by the Presiding Officer, CGIT-1.”

Today on resumed hearing of the case counsel representing the parties fairly informed this Court that presiding officer for CGIT-II (Central Government Industrial Tribunal) has been appointed somewhere in March 2019.

It has been further contended that the additional powers of dealing with cases of CGIT-I have been given to CGIT-II and the next date of hearing of the same is fixed as 13.02.2020 before CGIT-II.

Learned counsel for the petitioner then contends that if the petitioner is protected with the same interim protections as given by this

Court vide order dated 25.02.2019 till the matter is taken up by the presiding officer-CGIT-II on 13.02.2020 or any one additional date thereafter, and an order is passed by the CGIT-II on their appeal, he has instructions to withdraw the petition and pursue his remedy before the presiding officer.

Learned counsel for the respondents submits that since the date 13.02.2020 has already been fixed before the presiding officer- CGIT-II, the interim protection so granted vide order dated 25.02.2019 if permitted to continue till 13.02.2020, and the writ petition is withdrawn they have no serious objections on the same.

In view of the fair stand taken by the parties this petition is disposed of accordingly in the aforesaid terms.

(GIRISH AGNIHOTRI)
JUDGE

06.12.2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No