

CWP-5126-2019

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

(240-B)

CWP-5126-2019

Date of decision : 06th December, 2019

M/S NATIONAL TRADING COMPANY

.....Petitioner

Versus

EMPLOYEES PROVIDENT FUND DEPARTMENT, AMRITSAR
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. National Trading Company, 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 26.02.2019 passed the following orders;

“Learned counsel for the petitioner contends that a similar matter i.e. CWP No.4970 of 2019 is pending before this Court for 09.07.2019 in which notice has been issued and interim order has been passed.

Notice of motion.

Mr.S.K.Sharma, Advocate who is present in the Court accepts notice on behalf of respondent No.2 and seeks time to file reply.

Interim order in the same terms.

To be heard along with CWP No.4970 of 2019 on 09.07.2019”.

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 26.02.2019, 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

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13.02.2020 has already been fixed before the presiding officer- CGIT-II, the interim protection so granted vide order dated 26.02.2019 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