

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

[1]

**CWP No.13153 of 2019
Date of Decision : 27.05.2019**

**M/S ARYA MODEL HIGH SCHOOL, LAWRENCE ROAD,
AMRITSAR**

....PETITIONER

V/S

UNION OF INDIA AND OTHERS

....RESPONDENTS

[2]

CWP No.13156 of 2019

DASMESH PARIVAR INTERNATIONAL SCHOOL, AMRITSAR

....PETITIONER

V/S

UNION OF INDIA AND OTHERS

....RESPONDENTS

CORAM : HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Harjot Singh Bedi, Advocate for the petitioner
in **CWP No.13153 of 2019** and
Mr. Rose Gupta, Advocate for the petitioner
in **CWP No.13156 of 2019**.

Mr. Ashish Rawal, Senior Panel Counsel
for the respondent(s)/*UOI*.

B.S. WALIA, J. (ORAL)

[1] This order shall decide CWP Nos.13153 & 13156 of 2019.

[2] Facts of the case are being taken from CWP No.13153 of 2019.

[3] Prayer is for the issuance of a writ of mandamus directing respondent No.4 not to initiate coercive steps to recover the amount assessed under the provisions of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 from the petitioner till such time that Registrar, Central Government Industrial Tribunal-I is not appointed.

[4] Brief facts of the case leading to the filing of the writ petition are that vide order (Annexure P/1) dated 03.04.2019 under Section 7-A of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952, the petitioner was held liable for an amount of Rs.27,85,571/- w.e.f. August 1982 to April 2017.

[5] The petitioner filed an appeal Annexure P/2, dated 26.04.2019 before the Central Government Industrial Tribunal-cum-Labour Court-1, Chandigarh, vide diary No.15 dated 29.04.2019. However, the appeal was not taken up for hearing as petitioner was informed that there was no Presiding Officer, CGIT-I and Presiding Officer, CGIT-II had been given the additional charge of CGIT-I but that appeal could not be listed before the Presiding Officer, CGIT-II also, as there was no Registrar with CGIT-I, who could scrutinize the appeal and put up the same for hearing.

[6] In the aforementioned background, prayer is that till such time that Registrar, CGIT-I is appointed to process the appeal of the petitioner and put up the same before the Presiding Officer, CGIT-2, the respondents be restrained from taking coercive steps against the petitioner.

[7] Pursuant to issue notice of motion, Mr. Ashish Rawal, learned Senior Panel counsel has put in appearance on behalf of the respondents and produced copy of order dated 22.05.2019 issued by the Under Secretary to the

Avadesh Kumar Singh, RPFC-I, Zonal Office, Employees' Provident Funds Organization, Chandigarh to act as Registrar, Central Industrial Tribunal-cum-Labour Court-I, Chandigarh in pursuance of powers conferred by Rule 2(g) of the Tribunal (Procedure) Rules, 1997. The order is taken on record. Copy thereof handed over to learned counsel for the petitioner.

[8] Learned Senior Panel Counsel, UOI states that in the circumstances, the writ petition has become infructuous and may be disposed of as such.

[9] Learned counsel for the petitioner however states that although the Registrar, CGIT-I has been appointed, yet it would take some time for the files of the petitioner to be processed and put up before the CGIT-II and that in the meantime, the respondents be restrained from taking coercive steps against the petitioner till such time that the appeal filed by the petitioner is processed by the Registrar and put up for hearing before the Presiding Officer/ CGIT-II.

[10] Learned Senior Panel Counsel, UOI, does not oppose the aforementioned plea of the petitioner. In the circumstances, the writ petition is ***disposed of***, by directing that till such time, the appeal of the petitioner is not processed by the Registrar, CGIT-I and put up for hearing before the Presiding Officer, CGIT-II, Chandigarh, no coercive steps be taken by the respondents against the petitioner.

[11] Needless to mention, this protection against coercive steps not being taken against the petitioner is only till such time that the appeal is not placed before the learned Presiding Officer/CGIT-II in order to enable him to take a decision with regard to the claim of the petitioners for grant of stay. It is also made clear that nothing said in this order shall be taken to be an

[12] Copy of this order be furnished to learned counsel for the parties under the signatures of the Bench Secretary of this Court.

(B.S. WALIA)
JUDGE

May 27, 2019
‘Rajneesh’

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No