

05.10.2020

Ct. No. 24

Item No.09

pk.

WPA No. 6806 of 2020

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IA CAN 1 of 2020 (OLD CAN 5782 of 2020)

Nalhati Municipality

-vs-

Union of India & Ors.

Mr. Tulshidas Ray,
Mr. Tirthankar Roy,
Mr. Tapan Ray

for the petitioner

The petitioner is aggrieved by the order dated 17th June 2020 issued under Section 14B of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952. The petitioner alleges that the order was passed without complying with the principles of natural justice.

It appears from the impugned order that a hearing of the case was fixed by the Provident Fund authority on 23rd March 2020 which stood adjourned till 2nd April 2020.

The petitioner submits that in view of the lock down imposed by the State the representative of the petitioner was not in a position to attend the hearing so fixed. The petitioner prays for a direction upon the respondent Employees' Provident Fund Organization to re-hear the matter.

None appears on behalf of the respondents despite service.

Prima facie it appears that the order impugned is an appealable one but as it appears that the dates of the hearing which were fixed could not be availed by the representative of the petitioner in view of the lock down imposed in the State, accordingly, for ends of justice a further opportunity ought to have been given to the petitioner prior to passing the final order in the case.

In view of the above, the respondent no. 3 being the Assistant Provident Fund Commissioner (CC-IV) is directed to give a further opportunity of hearing to the petitioner prior to passing the final order in the matter. The said respondent shall take a decision in the matter within a period of six weeks from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

Till such time, a final decision is taken by the said respondent, the order impugned dated 17th June 2020 appearing at page 47 of the writ petition shall be kept in abeyance.

The writ petition being WPA No. 6806 of 2020 along with the connected applications being IA CAN 1 of 2020 and CAN 5782 of 2020 are disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)