

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

W.P.No.3156 of 2020

ORDER:

Heard the learned counsel for the petitioner, Sri N.Rajeswara Rao, learned Assistant Solicitor General appearing for 1st respondent, and Sri T.Balaji, learned Standing Counsel for the 2nd respondent.

2. Challenging the orders passed by the 1st respondent in EPF Appeal No.48 of 2019 dt.19-12-2019, directing the petitioner to deposit 35% of the amount determined by the 2nd respondent, the present Writ Petition is filed.

3. The case of the petitioner is that he is an employer of the petitioner-bank, viz., M/s.Telangana Grameena Bank, Nallakunta, Hyderabad, and that on 30-08-2019, the 2nd respondent has passed an order determining a sum of Rs.5,82,88,654/- and directed the petitioner to pay the said amount towards the dues under various accounts stated therein. Challenging the said order, the petitioner filed an appeal in EPF Appeal No.48 of 2019 along with an interlocutory application before the 1st respondent seeking waiver of the said amount contending that the said order is passed without confirming number of employees working under his organization and such amount was arrived at without conducting any enquiry and no reasons whatsoever have been assigned as to how the said amount is arrived at and that there is no basis for arriving at the said amount. Therefore, the said order is in gross violation of principles of natural

justice since. The 1st respondent, while admitting the appeal, passed interim orders on 19-12-2019 directing the petitioner to deposit 35% of the amount arrived at by the 2nd respondent, without considering the case of the petitioner in proper perspective.

4. Learned counsel for the petitioner submits that there is no basis for the 2nd respondent to arrive at a sum of Rs.5,82,88,654/- towards dues under various accounts and the 1st respondent also erred in directing the petitioner to deposit 35% of the amount arrived at by the 2nd respondent while passing interim orders dt.19-12-2019.

5. Having regard to the facts and circumstances of the case, I am of the considered view that since the amount of Rs.5,82,88,654/- as determined by the 2nd respondent is going into the P.F. account but not to the benefit of the employees of the petitioner establishment, that too, the order passed by the 2nd respondent is without confirming the list of employees working under the petitioner establishment, the order passed by 1st respondent cannot be sustained until and unless the appeal is finally heard and decided on merits.

6. Accordingly, the Writ Petition is disposed of setting aside the order dt.19-12-2019 passed by the 1st respondent and that the 1st respondent is directed to proceed with the main appeal in EPF Appeal No.48 of 2019 pending on its file without insisting for depositing of 35% of the amount arrived at by the 2nd respondent. However, it is made clear that the said appeal shall be heard and disposed of, as

expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order. It is needless to observe that the petitioner shall cooperate for conclusion of the proceedings expeditiously. No costs.

7. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE T.AMARNATH GOUD

Date: 14-02-2020
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