

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 29154 of 2019

ORDER:

In this writ petition, petitioner challenges the order dated 09.12.2016 passed by the respondent under Section 14B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for short 'the Act').

In the impugned order, the respondent directed the petitioner to remit the damages at the rate of Rs.65,635/- under Section 14B of the Act on account of the alleged violations of the provisions of the Act and demanded a sum of Rs.73,635/- towards interest. It may be noted that so far as determination of damages is concerned, there is an adequate remedy of appeal before the Tribunal constituted under the Act. In those circumstances, as rightly contended by the learned counsel for the respondent, the petitioner is required to avail the remedy available in law. However, in view of the apprehension expressed by the petitioner that the Tribunal may not entertain the appeal, subject to the condition of the petitioner approaching the Tribunal within a period of three weeks from the date of receipt of a copy of this order, the appeal that may be filed by him shall be entertained as per law without raising any objection as to the limitation.

Learned Standing Counsel for the respondent submits that so far as interest is concerned, though it was determined in the impugned order, there is no demand raised and that a separate demand would be issued in due course, if not already issued.

In the light of the above said submission, the writ petition is disposed of giving liberty to the petitioner to file an appeal before the Tribunal constituted under the Act within a period of three weeks from the date of receipt of a copy of this order and the latter shall entertain the same as per law without raising any objection with respect to the limitation.

Consequently, miscellaneous applications, if any pending shall stand disposed of. No costs.

CHALLA KODANDA RAM, J

Dt:02.01.2020

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