

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

CWP No.16226 of 2020.

Decided on:- October 06, 2020.

Lyallpur Khalsa College, Jalandhar through its Principal.

.....Petitioner.

Versus

Employees Provident Fund Organization and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Vivek Salathia, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Petitioner-Lyallpur Khalsa College, Jalandhar through its Principal has filed the present writ petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari, so as to quash the impugned order dated 08.07.2020 (Annexure P-3) passed by the Presiding Officer-cum-Link Officer, Central Government Industrial Tribunal-I, Chandigarh (for short, the Tribunal).

In an appeal filed by the petitioner-college under Section 7-1 of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short, the Act) against the order dated 28.02.2020 passed by respondent No.2-Regional Provident Fund Commissioner-II, Jalandhar, the Tribunal, vide impugned order dated 08.07.2020, has ordered that the petitioner-college is

entitled at least interim stay, subject to deposit of 20% of the assessed amount under Section 14-B and 7-Q of the Act with the respondent-authority within 4 weeks of the order. However, the respondent-authority was directed not to take any coercive measure or initiate recovery proceeding till the disposal of the application seeking interim stay against the order dated 28.02.2020 passed by respondent No.2.

While the appeal was pending consideration before the Tribunal, the petitioner-college had moved an application seeking extension of time, enabling the petitioner to comply with the directions issued in the impugned interim order dated 08.07.2020 (Annexure P-3) passed by the Tribunal. Since the petitioner-college had deposited 10% of the amount, the said application was partly allowed by the Tribunal vide order dated 05.08.2020, however, with a direction that the remaining 10% of the amount be deposited within 10 weeks from the date of order i.e. 05.08.2020.

Learned counsel for the petitioner-college has submitted that considering the prevailing situation when the college is facing a great hardship on account of COVID-19 pandemic and regular classes are not in progress, the time extended by the Tribunal vide order dated 05.08.2020 be further extended for a period of two months from today. In this manner, he has confined his arguments only for extension of time.

Notice of motion.

At this stage, Mr. Sanjay Tangri, Advocate has put in appearance and accepts notice on behalf of the respondents. He has submitted that sufficient time has already been granted by the Tribunal vide order dated 05.08.2020. However, he is not averse if some reasonable time is granted to

the petitioner-college, so as to comply with the orders dated 08.07.2020 and 05.08.2020 passed by the Tribunal.

I have heard learned counsel for the parties.

Considering the fact that there is a great hardship being faced by the petitioner-college on account of COVID-19 pandemic and the regular classes are not in progress, this Court deems it appropriate to allow another two months time to the petitioner-college so as to comply with the orders dated 08.07.2020 and 05.08.2020 passed by the Tribunal.

Accordingly, the petitioner-college shall deposit the remaining 10% amount in terms of the orders dated 08.07.2020 and 05.08.2020 passed by the Tribunal, within a period of two months from today.

Disposed of.

October 06, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No