

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10245 of 2022

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M/s Nagar Parishad, Jamalpur, District- Munger through its Executive Officer, namely Ms Pooja Mala, Aged about- 30 years, Gender- Female, Daughter of Late Brij Kishore Kumar, Resident of Dumariyan, Torari, Police Station- Torari, District- Bhojpur.

... .. Petitioner/s

Versus

1. Employees Provident Fund Organization through the Additional Central Provident Fund Commission, Zonal ACC Office, Road No. 06, R Block, Serpantine Road, Patna- 800001.
2. The Additional Central Provident Fund Commission, Zonal ACC Office, Road No. 06, R Block, Serpantine Road, Patna- 800001.
3. The Regional Provident Fund Commissioner, Regional Office, Adampur Chowk, Bhagalpur.
4. The Assistant Provident Fund Commissioner, Regional Office, Adampur Chowk, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sinha, Advocate
For the Respondent/s : Mr. Prashant Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

2 23-11-2022 Heard learned counsels for respective parties.

In the instant petition, petitioner has approached this Court without exhausting remedy of appeal before the Appellate Tribunal.

In the light of **State of Jammu and Kashmir Vs. R.K. Zalpuri and others** reported in **AIR 2016 Supreme Court 3006** the present petition is not maintainable as the petitioner has not exhausted the remedy of appeal. Paragraph 20 reads as under:-



“20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation v. Dosu Aardeshir Bhiwandiwalla and Others, wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus:-

“The Court while exercising its jurisdiction under Article 226 is duty-bound to consider whether:

(a) adjudication of writ petition involves any complex and disputed questions of facts and whether they can be satisfactorily resolved;

(b) the petition reveals all material facts;

(c) the petitioner has any alternative or effective remedy for the resolution of the dispute;

(d) person invoking the jurisdiction is guilty of unexplained delay and laches;

(e) ex facie barred by any laws of limitation;

(f) grant of relief is against public policy or barred by any valid law; and host of other factors.”

Accordingly, the present petition stands disposed off
reserving liberty to the petitioner to invoke appropriate statutory
remedy available under the Employees' Provident Funds & Miscellaneous Provision Act, 1952.

(P. B. Bajanthri, J)

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