

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22572 of 2019

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M/s Goswami Electricals Power and Construction

... .. Petitioner/s

Versus

The State of Bihar & Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uma Kant Tiwary, Advocate

For the Respondent/s : Mr.Ajay Kumar Rastogi (Aag10)

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

3 14-10-2022 This matter is heard *via* video conferencing.

In the instant petition, petitioner has prayed the following reliefs:-

" (i) *An appropriate writ, order or direction quashing the proceeding initiated under letter bearing No. Dmgs/BR/MUZ/1439145/1569/1561 dated 06.08.2019 (Annexure-4) against the petitioners for recovery of the damages interest under the Employees Provident Fund Act, 1952 declaring the same as illegal, premature and unwarranted, be issued.*

(ii) An appropriate writ, order or direction commanding the respondents specially the respondents 1st and 3rd party not to allow withdrawal of any amount from the petitioners' account lying with the respondents 3rd party, be issued.

(iii) Any appropriate writ, order or direction to which the petitioners are found entitled to, be issued."

The impugned communication dated 06.08.2019



which is Annexure-4 reads as under:-

*"No. Dmgs/BR/MUZ/1439145
To
M/s Goswami Electricals Power
& Construction,
Kargahiya Purvi, ITI Colony,
Dhanger Toli, Bettiah,
Distt-West Champaran-845418
Sub:- Inquiry under Section 14B
& 7Q of The Employees Provident Funds
and Miscellaneous Provisions Act, 1952 for
the period 10/2016 to 12/2018-regarding.*

Sir,

*Take Notice that the above re-
ferred matter is posted for hearing on
dated 22.08.2019 at 11:00 A.M before the
Assistant Provident Fund Commissioner
(Damages) at Employees Provident Fund
Organization, Regional Office, 1st floor
Surya complex, Luxmi Chowk, Muzaf-
farpur, Pin Code-842003.*

*You are, however accorded one
more opportunity to present your case with
all relevant documents. You may attend the
inquiry & produce the summoned docu-
ments either in person or through an au-
thorized representatives.*

*Please note that if you fail to
present your case on the fixed date, ex-
parte order may be passed on the basis of
information available on the records of the
office without giving any further opportu-
nity.*

*The aforesaid communication
cannot be question by the petitioner as the
present petition is premature. If the peti-
tioner has any certain grievances before
the Assistant Provident Fund Commis-
sioner (Damages Regional Office, Muzza-
farpur) he has to make necessary applica-
tion.*

*Your faithfully
(Suman Saurav)*



*Assistant P.F. Commissioner (Damgs)
Regional Office, Muzaffarpur"*

The aforesaid communication cannot be questioned by the petitioner as the present petition is premature. If the petitioner has any certain grievance before the Assistant Provident Fund Commissioner (Damages) Regional Office, Muzaffarpur he has to make necessary application. If such application is submitted by the petitioner, the Assistant Provident Fund Commissioner (Damages) Regional Office, Muzaffarpur is hereby directed to pass speaking order and communicate the same to the petitioner in the event of any further action has not undertaken by the aforesaid officer pursuant to communication dated 06.08.2019.

With the aforesaid observations, the present petition stands disposed off.

(P. B. Bajanthri, J)

abhishekk/-

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