

23 20.07.2022
RP Ct. No. 16
AN

MAT 2089 of 2017
With

IA No. CAN 1 of 2018 (Old CAN No. 10313 of 2018)
(CAN not found)

Central Board of Trustees through the APFC

vs.

The Registrar EPF Appellate Tribunal & anr.

Mr. Victor Chatterjee

... For the respondent No.2

This intra-Court appeal by the Central Board of Trustees of Employees Provident Fund Organization is directed against the order dated 21.08.2017 passed in WP 15896 (W) of 2017. This writ petition was dismissed on the ground that the Central Board of Trustees has no right to file a writ petition challenging the order passed by the EPF Appellate Tribunal. In a batch of cases, this Court in MAT 1100 of 2017 (Central Board of Trustees vs. The Registrar, EPF Appellate Tribunal) has held that such writ petitions are maintainable. Therefore the order passed in the writ petition needs to be interfered with.

In the result, the appeal is **allowed** and the order passed in the writ petition is set aside and the same is restored to the original file and number of the learned Single Judge to be heard and disposed of on merit and in accordance with law. The contesting respondents are granted four weeks time from date to file affidavit-in-opposition after serving an advance copy on the learned counsel for the EPF organization. Reply thereto, if any, be

filed within three weeks thereafter.

List the writ petition before the appropriate Single Bench after nine weeks.

Consequently, the connected application, if any, stands disposed of.

(T. S. Sivagnanam, J.)

(Bivas Pattanayak, J.)