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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

CWP-18424-2022
Date of decision: 22.08.2022

Dakshin Haryana Bijli Vitran Nigam Limited*Petitioner*

Versus

*Regional P.F. Commissioner, Employees' Provident Fund
Organization and another**Respondents*

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

Present: Mr. Hitesh Pandit, Advocate
for the petitioner

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Rajbir Sehrawat, J. (Oral)

The present writ petition has been filed under Articles 226/227 of the Constitution of India, praying for issuance of a writ in the nature of certiorari or any other order/direction to grant interim relief against the impugned order dated 27.05.2022 (Annexure P-1) till the appeal and/or stay application is taken up for hearing by the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court/Employees' Provident Fund Appellate Tribunal, Chandigarh. Further, prayer has been made for issuance of a writ in the nature of mandamus, directing respondent No. 1 not to take recovery action under Section 8-F of the Act, 1952, for attachment of the bank account.

It is not even in dispute that the order impugned in the present writ petition is appealable before the Tribunal; which is the Central Government Industrial Tribunal, Chandigarh-II under the statutory provisions of the EPF Act. The petitioner has also pointed that the statutory appeal was filed well within the limitation as prescribed for the same. However, the appeal is not being taken up for hearing because of either non-posting of any person as a Presiding Officer of the Central Government Industrial Tribunal or on account of the Presiding Officer not being available; having charges at multiple places. On the other hand, the time period for making payment, pursuant to the assessment order is expiring.

In view of the above, it would be appropriate to dispose of the present writ petition by issuing a direction to the Tribunal to take up the appeal filed by the petitioner for hearing within a period of one month from today.

Ordered accordingly.

Still further, it is ordered that till the Tribunal takes up the appeal filed by the petitioner for hearing, the execution of the order impugned in the present writ petition shall remain stayed. However, it is clarified that this restraint order is being passed only on account of non-hearing of the appeal filed by the petitioner. Further, this restraint order shall not be interpreted by the Tribunal, either in favour of the petitioner or against the respondents at the time of hearing of the matter. The Tribunal shall assess every aspect of the matter

independently; without being influenced by any observation made in this order.

A copy of this order be supplied to the counsel for the petitioner under the signatures of the Bench Secretary of this Court.

		(Rajbir Sehwat)
		Judge
August 22, 2022		
mohan bimbura	Whether speaking/reasoned	: Yes/No
	Whether reportable	: Yes/No