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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

CWP-18245-2022
Date of decision: 22.08.2022*Chaudhary Charan Singh Haryana Agricultural University, Hisar
through its Registrar**Petitioner**Versus**Regional P.F. Commissioner-II & others**Respondents***Coram: Hon'ble Mr. Justice Rajbir Sehrawat****Present:** Mr. Shreenath A Khemka, Advocate
for the petitioner

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Rajbir Sehrawat, J. (Oral)

The present writ petition has been filed under Article 226 of the Constitution of India, praying for issuance of a writ in the nature of certiorari for quashing order dated 05.08.2022 (Annexure P-3) being pre-mature and violative of the petitioner's rights under Sections 70 and 71 of the EPF Act. Further, prayer has been made for issuance of a writ in the nature of mandamus, directing respondent No. 3 - Bank not to disburse amount of Rs.76,11,080/- as sought by respondent No. 1.

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	Whether speaking/reasoned	: Yes/No
mohan bimbura	Whether reportable	: Yes/No