

120 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-18662-2022
Date of Decision: 24.08.2022

Guru Jambheshwar University

..... Petitioner

Versus

Regional P.F. Commissioner-II, Hisar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Shreenath A. Khemka, Advocate,
for the petitioner.

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 7I and 7O of the EPF Act. Further, prayer has been made for issuance of a writ in the nature of mandamus, directing respondent No. 1 to not disburse the amount of Rs.1,15,04,512/- deposited by respondent No.3-Bank.

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.

(RAJBIR SEHRAWAT)
JUDGE

24.08.2022
adhikari

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No