

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 1837 of 2023

With
IA No. CAN 1 of 2023

Paschim Banga Samagra Shiksha Mission & Anr.
Vs.
Union of India & Ors.

Mr. L. K. Gupta, Sr. Advocate,
Mr. Arjun Ray Mukherjee
Ms. Saheli Mukherjee
... For the petitioners.

Mr. Anil Kumar Gupta
... For the respondent nos. 4 to 6.

Mr. Indranath Mitra
... For the applicants in CAN 1 of 2023.

1. The instant writ petition has been filed, *inter alia*, praying for a direction upon the respondents to implement the order dated 11th October, 2022 passed in WPA 23037 of 2022, as also to consider the letter dated 25th August, 2022, issued by the petitioner no.2 addressed to the Secretary, Ministry of Labour and Employment, Government of India, the respondent no.3 herein, with a request to exempt the petitioner no. 1 from the operation of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as the "said Act").
2. Today, Mr. Mukherjee, learned advocate representing the petitioners by placing reliance on a supplementary affidavit, which is filed in Court today and taken on record, submits that during the pendency of the

aforesaid writ petition, the Secretary, Government of India, Ministry of Labour and Employment by an order dated 14th August, 2023, has been, *inter alia*, pleased to exempt the petitioner no.1 from the provisions of the said Act by passing the following order:-

“Now, therefore, I order that Paschim Banga Samagra Shiksha Mission, previously known as Paschim Banga Sarva Shiksha Mission, is eligible for exemption under section 16(2) of the Employees’ Provident Funds & Miscellaneous Provisions Act, 1952 from the period from 1st April, 1999 to 31st March, 2015 and all the actions and notices as well as orders issued by the Regional Office, EPFO, Kolkata for making the Act applicable and securing compliance from the period 1st April, 1999 to 31st March, 2015 are set aside as these are ultra vires and void ab initio”.

3. Having regard to the aforesaid, it is submitted that the writ petition has become infructuous, as such, the petitioners do not want to proceed with the aforesaid application.
4. Mr. Gupta, learned advocate representing the provident fund authorities does not object to the petitioners’ withdrawing the aforesaid application.
5. Mr. Mitra, learned advocate representing the applicant in CAN 1 of 2023 submits that the direction passed by this Hon’ble Court on 17th September, 2019 to take consequential steps in terms of the order dated 7th April, 2016 issued by the provident fund authorities

under Section 7A of the said Act affirmed by the Hon'ble Division Bench of this Court by order dated 8th March, 2022 cannot be frustrated by an executive direction. He prays for dismissal of the present petition.

6. Having heard the learned advocates appearing for the respective parties and taking into consideration the fact that the petitioners do not want to proceed with the instant writ petition, I am of the view that it is not necessary for this Court, at this stage, to go into the question as raised by Mr. Mitra. If Mr. Mitra's client is aggrieved by any direction issued by any authority, it is always open to Mr. Mitra's client to take appropriate steps, if so advised.
7. In view thereof, the present writ petition is dismissed as withdrawn. Accordingly, the connected application, being CAN 1 of 2023 stands disposed of.
8. Let affidavit-in-opposition filed in Court today on behalf of the petitioners in connection with the application, being CAN 1 of 2023 be taken on record.
9. Urgent Photostat copy of this order, if applied for, be made available to the parties on urgent basis, upon compliance of all formalities.

(Raja Basu Chowdhury, J.)