

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15261 of 2022**

Central Board of Trustees, Employees Provident Fund Organization through the Regional Provident Fund Commissioner-II (Legal), Regional Office, Patna having his office at R. Block, Road No. 6, P.S.-Sachivalaya, District-Patna.

... .. Petitioner/s

Versus

1. The Registrar, Central Government Industrial Tribunal-cum-Labour Court (No. 2) Shram Bhavan, Murli Nagar, Dhanbad.
2. M/s Sulabh International Social Service Organization Sulabh Bhawan, New Patliputra Colony, P.S. Patliputra, Dist-Patna through its Secretary, Pramod Kumar Thakur.

... .. Respondent/s

**Appearance :**

|                      |   |                                                                                                                                                                                                                |
|----------------------|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Rajiv Kumar Verma, Sr. Adv.<br>Mr. Prashant Sinha, Adv.                                                                                                                                                    |
| For the Respondent/s | : | Mr. Lalit Kishore, Sr. Adv.<br>Mr. Deo Prakash Singh, Adv.<br>Mr. Vinayak Harshwardhan, Adv.<br>Mr. Dhanjay Kashyap, Adv.<br>Mr. Arindom Mukherjee, Adv.<br>Ms. Gargi Tuli, Adv.<br>Mr. Dayanand kashyap, Adv. |

**CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY**  
**ORAL ORDER**

26    21-03-2024

Heard the learned counsel for the parties.

2. This writ petition has been filed for the following relief(s):-

*“(i) For issuance of writ in the nature of certiorari for quashing of the order dated 02-09-2022 in Case No. IT-2/52/2022 passed by the Presiding Officer, learned CGIT-2, Dhanbad whereby he has rejected the recusal petition filed by the EPFO and has made some observations against the officers of*



*the EPFO on the basis of his personal information and assumptions.*

*(ii) For necessary direction to transfer the case from CGIT-2 to CGIT-1, Dhanbad as from the tone and tenor of the order passed by the learned P.O., CGIT-2, Dhanbad, it appears that Sri S.K. Thakur being the P.O. of CGIT-2, Dhanbad has developed personal bias against the officials of the Department, as well as the EPFO, and as such, now it is impossible for him to conduct the proceedings in a free and fair manner.*

*(iii) For staying the operation of the order dated 02-09-2022 passed by the learned CGIT-2, Dhanbad in Case No. IT-2/52/2022 during the pendency of this writ application.*

*(iv) For restraining Sri S.K. Thakur being the P.O. of CGIT-2, Dhanbad, from passing any order in Case No. IT-2/52/2022 during the pendency of this writ application as the petitioner is apprehensive that he may pass any order against the interest of EPFO, in view of his bias which is reflected in order dated 02.09.2022.”*

3. Learned counsel appearing on behalf of the petitioner has stated that though the issue in the present writ petition has become infructuous, they were constrained to file



I.A. No. 4 of 2023 seeking to expunge some remarks made by the Presiding Officer in the order dated 02.09.2022 in case bearing No. IT- 2/52/2022. Learned counsel has stated that the petitioner had filed an I.A. for recusal of the then Presiding Officer before the CGIT-2, Dhanbad, however, the Presiding Officer has passed the order dismissing the said I.A. and the same is impugned in the present writ petition. That the Presiding Officer of CGIT-2 has subsequently superannuated, however, the remarks made by the then Presiding Officer at Para- 9(i) is not only damaging to the Corporation but were uncalled for. Therefore, the same may be expunged by this Hon'ble Court.

4. A perusal of the said remarks made by the Presiding Officer, CGIT-2, Dhanbad at Para 9(i) reveals that the Presiding Officer has directed the office to forward the copy of the impugned order to the Registrar of the Tribunal, The Secretary to the Government of India, Ministry of Labour and Employment and the Secretary of Central Vigilance Commission with the request to investigate into the matter on administrative incompetency and/ or conspiracy angle against the concerned officers of the petitioner organisation in terms of the observations made in the order. The Presiding Officer was of the view that the filing of the application for recusal of the



Presiding Officer was not warranted and that some of the officers who were incompetent while the said application for recusal and the same was filed only to tarnish the image of the Tribunal. Learned counsel has stated that if the said observation is allowed to remain, the authorities may take action as directed by the then Presiding Officer. Therefore, learned counsel has prayed for allowing I.A. No. 4 of 2023 and delete the observations made by the then Presiding Officer in the impugned order.

5. Per contra, the learned counsel appearing on behalf of the respondents has vehemently opposed prayer sought in I.A. No. 04 of 2023 stating that once the main relief has become infructuous no further orders can be passed in the I.A. by this Court. Further it is stated by the learned Senior counsel that the persons against whom the remarks have been made are not before this Hon'ble Court, therefore, the present application filed by the petitioner organization is not maintainable and, therefore, prayed for dismissing the I.A. No. 4 of 2023.

6. Admittedly in the present case, the Central Board of Trustees, Employees Provident Fund Organization has filed the present C.W.J.C. against the order impugned. Even though the main cause for filing the said C.W.J.C. has become infructuous.



It has to be noted that the then Presiding Officer has travelled beyond the scope of the I.A. seeking the recusal of the then Presiding Officer from the pending case. There was no need for the officer concerned for passing any remarks against the officers of the provident fund and directing for an enquiry to be made against the said officers and taking action. Admittedly, the application is filed only seeking recusal of the Presiding Officer, the officer concerned either could have rejected the said application as allowed the same, there was no need for making any further remarks on the person who has filed the application seeking his recusal and directing further investigation by the Secretary to the Government of India, Ministry of Labour and Employment or by Secretary, Central Vigilance Commission.

7. Having regard to the same, the directions issued by the Presiding Officer in case bearing No. IT- 2/52/2022 at para 9(i) are deleted for all purposes and no further action can be initiated on the said observations made by the Presiding Officer. As it is stated that the main case is pending before the authority concerned, the same shall be dealt with in accordance with law. The Presiding Officer will not be influenced by any of the observations made in the impugned I.A. and will deal with the case strictly on merits in accordance with law.



8. With the above directions, the present writ petition  
stands disposed of.

**(A. Abhishek Reddy , J)**

Gauravkr/-

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