

D/L.16.
August 12, 2024.
MNS.

WPA No. 16062 of 2024

The Kandi Municipality and Another
Vs.
The State of West Bengal and Others

Mr. Pratip Kumar Chatterjee

... for the petitioners.

Mr. Avijit Tewary

...for the respondents.

Affidavit-of-Service filed in Court be taken
on record.

The grievance of the petitioners is directed
against an order dated May 17, 2024 passed by
the Central Government Industrial Tribunal
dismissing the appeal against the issuance of a
summons issued under Section 14-B of the
Employees' Provident Funds & Miscellaneous
Provisions Act, 1952.

It is contended on behalf of the petitioners
that in terms of Section 7-I, an appeal was
maintainable and the same ought to have been
disposed of on merits. Accordingly, the impugned
order is liable to be set aside.

On behalf of the respondent authorities it is
submitted that there is no illegality nor perversity

in the impugned order and the same is fully reasoned.

It is also submitted on behalf of the respondent authorities that no appeal is maintainable against the mere issuance of a summons and the appeal has been justifiably dismissed on the ground of maintainability.

Section 7-I of the 1952 Act provides as follows:

“7-I. Appeals to Tribunal .- (1) Any person aggrieved by a notification issued by the Central Government, or an order passed by the Central Government or any authority, under the proviso to sub-section (3), or sub-section (4) of section 1, or section 3, or sub-section (1) of section 7A, or section 7B [except an order rejecting an application for review referred to in sub-section (5) thereof], or section 7C, or section 14B, may prefer an appeal to a Tribunal against such notification or order.

(2) Every appeal under sub-section (1) shall be filed in such form and manner, within such time and be accompanied by such fees, as may be prescribed.”

A perusal of the above section makes it evident that issuance of a summons under Section 14-B of the 1952 Act is neither a notification nor an order and *per se* not appealable.

The mere issuance of a summons does not impinge on the rights of the petitioner. There is no adverse order against the petitioner. There are also no other grounds which have also been urged justifying any interference with the

impugned summons. In view of the above, the writ petition is premature.

WPA No. 16062 of 2024 stands dismissed.

However, there shall be no order as to costs.

(Ravi Krishan Kapur, J.)