

09.01.2024
Item No.11
As

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side

WPA/393/2022

M/S. ESSEM JUTE INDUSTRIES LTD.
VS
EMPLOYEES' PROVIDENT FUND ORGANISATION
& ORS.

Mr. Bhaskar Roy Mahashaya,
...for the P.F. Authority

None appears for the petitioner even in the second call.

When the matter was called on 05.01.2024, none appears for the petitioner whereas Mr. Bhaskar Roy Mahashaya, learned counsel for the Provident Fund authorities appeared. Therefore, by giving one more chance, the matter was adjourned today.

When the matter is taken up today, there was no representation for the petitioner whereas the learned counsel for the Provident Fund authorities has represented before this Court that the order impugned in this writ petition is an appealable order. He has further submitted that the order was passed under Section 7(A) of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 against which the petitioner is having a right to file an appeal

under Section 7-I of the said Act of 1952 before the appellate authority. Instead of invoking the appellate jurisdiction, the petitioner has approached this Court and filed the present writ petition under Article 226 of the Constitution of India which is not maintainable. Therefore, he prayed this Court to dismiss the writ petition by giving opportunity to file appeal.

On hearing the argument advanced by the learned counsel for the respondent and perusing the records and the Act, it is made clear that sine the order has been passed under Section 7 of the said Act, the petitioner is having a right to file an appeal under Section 7-I of the 1952 Act. Therefore, I am inclined to pass the following order:

- a) The writ petition is disposed of;
- b) The petitioner is given liberty to file an appeal against the order dated 13.08.2021 which was passed under Section 7(A) of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, within a period of two weeks from the date of receipt of a copy of this order;
- c) On receipt of the said appeal by the appellate authority within the time stipulated by this Court, the appellate authority is directed to pass appropriate

orders on the appeal within a period of
twelve weeks thereof;

With the above observation, this writ petition
stands disposed of.

(M. V. MURALIDARAN, J.)