IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUSHRUT ARVIND DHARMADHIKARI

ON THE 2nd OF FEBRUARY, 2024

WRIT PETITION No. 23284 of 2023

BETWEEN:-

VIDYA BHAWAN PUBLIC SCHOOL THROUGH ITS SECRETARY 218 SAKET NAGAR INDORE (MADHYA PRADESH)

.....PETITIONER

(SHRI PRATEEK PATWARDHAN, LEARNED COUNSEL FOR THE PETITIONER)

AND

EMPLOYEES PROVIDENT FUND ORGANISATION REGIONAL PROVIDENT FUND COMMISSIONER II 7, RACE COURSE ROAD INDORE (MADHYA PRADESH)

.....RESPONDENTS

(MS DARSHANA BAGHEL, LEARNED COUNSEL FOR THE RESPONDENT [R-1].
)

This petition coming on for order this day, the court passed the following:

ORDER

The present petition under Article 226 of the Constitution of India has been filed challenging the order passed by the Regional Provident Fund Commissioner - II dated 07.04.2022(Annexure P-1) in case No. MP/IND/0017042/000/ENF541/Damages/809.

I.A. No. 8353/2023, an application for dismissal of the writ petition has been filed of respondents.

Learned counsel for the contended that this writ petition is not

Signature Not Verified
Signed by: SEHAR HASEEN
Signing time: 2/5/2024
6:18:41 PM

maintainable as the order impugned is appealable u/S 7(I) of the EPF and MP Act, 1952 and therefore, the same is liable to be dismissed.

At this stage, learned counsel for the petitioner submitted that he is ready to withdraw the writ petition with liberty to approach the CGIT, Jabalpur by filing an appeal. However, the limitation may not come in his way.

Heard, learned counsel for the parties and perused the record.

In view of the fact that the order impugned is appealable, the petitioner is permitted to withdraw the petition with liberty to the petitioner to approach the CGIT, Jabalpur.

Since the petition was filed on 08.09.2023, the CGIT, Jabalpur shall not take into consideration, the period of filing of writ petition till today i.e. the date of withdrawal of petition for the purpose of limitation. However, the petitioner shall file a separate application for condonation of delay explaining the remaining part of delay.

With the aforesaid liberty, petition stands dismissed as withdrawn.

(S. A. DHARMADHIKARI)
JUDGE

sh

Signature Not Verified
Signed by: SEHAR HASEEN
Signing time: 2/2/2024
6:18:41 PM