

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.1609 OF 2022

(M/s K. M. Asghar Husain College of Education, Akola, thr. its I/c Principal Vs.
Assistant Provident Fund Commissioner, Akola)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. P. S. Gawai, Advocate for Petitioner.
Mr. H. N. Verma, Advocate for Respondent.

CORAM: N. R. BORKAR, J.

DATE: 21st OCTOBER, 2024.

The petitioners were constrained to file the present petition as at the relevant time Employees Provident Fund Appellate Tribunal was not functional. Considering the facts and circumstances this Court on 23.03.2022 passed the following order:

*Issue notice for final disposal,
returnable on 20-4-2022.*

*2. Learned counsel, Mr. Verma waives
service of notice for the respondent.*

*3. While the order impugned is
appealable before the Tribunal, to the
extent the petitioner is directed to pay
damages by invoking power under Section
14B of the Employees' Provident Funds and
Miscellaneous Provisions Act, 1952, it is
not in dispute that the Tribunal is not
functioning since the office of Presiding
Officer is vacant.*

*4. In this view of the matter, till the
returnable date, there shall be no coercive*

recovery from the petitioner to the extent of demand towards damages.

2. I am told that now the said Appellate Tribunal is functional.

3. In that view of the matter, the following order is passed:

[i] The Appellate Tribunal shall endeavour to decide the appeal filed by the petitioner as early as possible.

[ii] The interim order passed by this Court dated 23.03.2022 shall remain in operation till decision of the appeal.

4. The petition is disposed of, in the aforesaid terms.

(N. R. BORKAR, J.)