**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

230 **CWP-5156 of 2020**
**Date of Decision**:02.04.2024

MANISH ARORAA

.... Petitioner

Versus

CENTRAL BOARD OF TRUSTEE EMPLOYEES PROVIDENT FUND ORGANISATION AND ORS

....Respondents

**CORAM:HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: None for the petitioner.

Mr. Sandeep Goyal, Advocate
for respondents No. 1 and 2.

Mr. Sandeep Vermani, Advocate and
Mr. Aditya Vermani, Advocate for respondent No.3.

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**SANJAY VASHISTH, J.(Oral)**

1. Present writ petition has been filed by Manish Aroraa, for seeking issuance of directions to respondents no. 1 and 2 (Employees Provident Fund Authorities) to take necessary action against respondent No.3 i.e. Onkar Infotech Pvt. Ltd, under Section 7 (A) of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 for non deposit of employer share of provident fund in the PF Account of the petitioner.

2. Respondents No. 1,2 and 3 have filed their respective replies. In the preliminary objections of the written statement of respondent No.3, it has been stated in specific that *"the entire amount towards the provident fund of the petitioner already stands deposited in the PF Account of the petitioner. The details of the payment deposited by the respondent no.3 employer are annexed alongwith the civil writ petition as* ***Annexure R-3/1*** *for the kind perusal of this Hon'ble Court".*

3. Similar is the stand of official respondents No. 1 and 2, in its reply and paragraph No.2 of the same is reproduced herebelow"

> *"That the facts of the present writ petition are incorrect and totally wrong and the present writ petition has been filed with intention to misguide this Hon'ble Court and to waste the precious time of this Hon'ble Court. It is submitted that the main grievance of the present petitioner is that with the consent of the petitioner, respondent No.3 started deducting the provident fund share of the petitioner w.e.f. December, 2014 and same was deposited with the answering respondents; but the share of the employer was not deposited with the answering respondents equal to the contribution deducted from the salary of the petitioner, which is totally wrong as the respondent No.3 is continuously depositing the employees and employer share. A copy of statement of account of petitioner maintained with the answering respondents from the year 2014-15 till the year 2018 is attached herewith as Annexure R-1. It is also pertinent to mention that Intially the petitioner was an Excluded Employee, as the basic salary of petitioner was above the statutory limit of Rs. 15000/- per month. Therefore, the present writ petition is not maintainable and liable to be dismissed with heavy cost being devoid of any merits."*

4. Since, there is no assistance on behalf of the petitioner, this Court is unable to proceed further for the purpose of hearing of

the present petition. Therefore, the present petition is dismissed for want of prosecution.

5. However, liberty is granted to the petitioner to move an appropriate application for seeking revival of the present writ petition with the preparation to argue the matter within eight weeks from today, in case any substantive issue still exists alongwith a cause of action to the petitioner.

6. Let copy of this order be forwarded to the petitioner for information.

**[SANJAY VASHISTH]**
**JUDGE**

April 02, 2024
*rashmi*

Whether speaking/reasoned yes/no
Whether reportable? yes/no