



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

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CWP-17082-2024

Date of decision: 24.07.2024

**CENTRAL BOARD OF TRUSTEES PFO THR ASST PF
COMMISSIONER**

...PETITIONER

Vs.

MUNICIPAL CORP. AMBALA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sandeep Goyal, Advocate
for the petitioner.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of orders dated 25.05.2024 and 28.05.2024 (Annexures P-4 and P-5) respectively whereby Central Government Industrial Tribunal-II, Chandigarh has stayed the coercive action against respondent-Municipal Corporation, Ambala City.

2. The petitioner-Provident Fund Organization through Assistant Provident Fund Commissioner claims that in terms of Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, an assessment order dated 16.02.2024 (Annexure P-1) was passed against Municipal Corporation whereby liability of Rs.5.60 crore was assessed. The respondent could file an appeal within 60 days, however, it was filed after 60 days. The Appellate Tribunal has stayed coercive steps i.e. recovery during the pendency of appeal. The petitioner has already recovered substantial amount by

way of attachment of bank account.



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3. Mr. Sandeep Goyal, Advocate submits that appeal was delayed, thus, Appellate Authority was not supposed to grant stay of recovery. It has caused prejudice to petitioner.
4. I have heard the arguments of learned counsel for the petitioner and have perused the record.
5. The respondent No. 1 is a Municipal Corporation which is assigned public duties including maintenance of roads, supply of water and other basic amenities. There is no possibility of escaping from liability by Municipal Corporation, if it is finally adjudicated against it. The liability relates to year 2011-2014 and was determined on 16.02.2024. The act of petitioner approaching this Court, despite pendency of appeal before Tribunal seems to be an over anxious act of some officer. This Court does not find any substance in the present petition. The present petition deserves to be dismissed and accordingly dismissed.

24.07.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No