

03.09.2025
Ct. No. 30
S.L. No. 18
SM

WPA 10610 of 2025
M/s. Industrial Services & Anr.
Versus
The Regional Provident Fund Commissioner-I

Mr. Lakshman Chandra Halder
Mr. Balaram Patra
.....for the petitioner

Mr. Rajib Ray
.....for the respondent

1. Learned counsel appearing for the EPF authority is heard on the basis of an order passed by the Division Bench in MAT 1185 of 2025 vide order dated 19.08.2025.

2. Learned counsel appearing for the EPF authority submits that admittedly the petitioner has challenged an order under Section 14B of the EPF Act before the Tribunal and the same is pending before the Tribunal.

3. It is submitted by the learned counsel for the petitioner that he approached the High Court with the writ application as there was no regular Presiding Officer at the CGIT. Though the learned counsel for the EPF authority submits that there is a Presiding Officer in charge at CGIT, Kolkata, it appears that the Presiding Officer is not a full time Officer.

4. Learned counsel for the EPF authority further submits that as there is an appeal pending, the

petitioner has to challenge all subsequent orders/notices issued by the authorities concerned in the appeal and before the Tribunal. The petitioner cannot approach the writ Court with orders which have been passed subsequent to filing of the appeal.

5. On hearing the parties, this Court finds that admittedly EPF appeal no. 26 of 2024 preferred by the writ petitioner challenging an order under Section 14B of the EPF Act is pending before the CGIT, Kolkata.

6. This Court vide its order dated 19.05.2025 had observed that in spite of an appeal pending, the officers were proceeding against the petitioners.

7. This Court finds that in the absence of a full time Presiding Officer the litigants are facing several difficulties, and the authorities are proceeding against them in spite of appeals pending before the Tribunals and not taken up due to absence of a regular Presiding Officer.

8. Accordingly, the writ application is disposed of with liberty granted to the petitioner to also challenge the certificate dated 30.04.2025 in the appeal preferred before the Tribunal. But considering that there is still no full time Presiding Officer at the Tribunal.

9. The authorities concerned shall not take any coercive measure during pendency of the EPF

appeal till a regular Presiding Officer is posted at the CGIT. The petitioner will be liberty to pray for continuation of the interim relief including the certificate and not give effect to the Certificate under Section 8 of the EPF Act issued by the Recovery Officer on 30.04.2025.

10. Writ application stands disposed of.

11. Applications, if any, connected thereto stand disposed of consequently.

12. Interim order, if any, stands vacated.

13. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]