

15.07.2025
Ct. No. 30
S.L. No. 7
SM

WPA 15395 of 2025
Smt. Angurbala Ghatak & Anr.
Versus
Union of India & Ors.

Mr. Nilendu Bhattacharya
Mr. A.K. Upadhyay
Ms. Arunima Lala Sengupta
Ms. Homaira Akhter
.....for the petitioners
Mr. Avijit Tewary
.....for the respondent nos. 2 to 4

Affidavit-of-service filed be kept with the record.

On hearing the learned counsels for the parties and on perusal of the materials on record, it appears that the composite order under Section 14B and Section 7Q of the EPF Act has been passed by the authorized officer on 22nd April, 2025.

Subsequently, due to non-compliance of the order a demand notice has been issued by the authority concerned vide letter dated 31.01.2025.

It is submitted by the learned counsel for the respondent/EPF authority that the order under Section 14B and 7Q of the EPF Act is an appealable order and the petitioners without preferring an appeal have approached the writ Court.

Learned counsel for the petitioners submits that the doors of alternative remedy are not closed and he can always approach the writ Court for relief.

It appears from the materials on record that the grounds necessary for approaching the writ Court without preferring a statutory appeal is not apparent from the present case.

An order under Section 14B and 7Q of the EPF Act has been passed in due course. There is nothing to prima facie show that the same has violated any principles of natural justice. As such the petitioner should approach the appeal forum for the relief prayed for in the writ application.

Learned counsel for the EPF authority has relied upon paragraph 19 of the judgment passed by the Supreme Court in ***Assistant Commissioner (CT) LTU, Kakinada & Ors. Versus Glaxo Smith Kline Consumer Health Care Limited.***

It appears that the Supreme Court, in the relevant paragraph discouraged the High Court from entertaining any writ application which was filed beyond the maximum period of limitation.

In the present case, this Court is not entertaining the writ application but is redirecting the petitioner to the appellate forum.

Accordingly, the writ application is disposed of with liberty granted to the petitioner to prefer an appeal within 30 days from the date of this order.

The period of limitation be extended for 30 days accordingly in the interest of justice.

The order dated 22.04.2025 and the demand notice dated 31.01.2025 be also stayed till the appeal is taken up by the appellate forum. The petitioners are at liberty to pray for appropriate relief before the appellate forum.

It is made clear that in case no appeal is preferred within the period specified, the order of stay shall stand automatically vacated.

Writ application stands dismissed.

Pending applications, if any, stands disposed of.

Interim order, if any, stands vacated.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon usual undertakings.

[Shampa Dutt (Paul). J]