



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

CWP-36374-2025

Date of Decision : **19.12.2025**

M/S DOABA WINE COMPANY THROUGH ITS PARTNER

.....Petitioner

VERSUS

**ASSISTANT PROVIDENT FUND COMMISSIONER JALANDHAR
ANOTHER**

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Supriya Garg, Advocate,
for the petitioner.

KULDEEP TIWARI, J.(Oral)

1 Through the instant petition, cast under Article 226 of the Constitution of India, a challenge is mainly thrown to the order dated 21.08.2025 (Annexure P-12), wherethrough, the statutory appeal preferred by the petitioner before the learned appellate authority concerned, i.e. The Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh, was dismissed on two counts: (i) non-payment of 20% of the total assessed amount as directed vide order dated 06.03.2025 (Annexure P-11); (ii) non-prosecution of the said appeal.

2. Learned counsel for the petitioner, at the very outset, fairly submits that the petitioner is ready and willing to deposit the aforesaid 20% of the assessed amount, in order to make compliance of the order dated 06.03.2025. She further submits that the absence of the petitioner before the learned appellate authority concerned, was only for the reasons

as explained in the instant petition. Therefore, she prays that the impugned order dated 21.08.2025, be set aside and the matter may be remanded to the learned appellate authority for deciding the appeal on merits.

3. Though this Court finds the submissions, as made learned counsel for the petitioner, innocuous and *bona fide*, however, finding that a similar plea could have been raised before the learned appellate authority concerned, by filing an apt motion, instead of filing instant writ petition before this Court. Therefore, the instant petition, in fact, being a misconceived motion, the petitioner **relegated** to the learned appellate authority concerned, to move an apt application for recalling the impugned order dated 21.08.2025, wherethrough, the appeal was dismissed for want of prosecution.

4. It is directed that in case the petitioner prefers, such an application, within a period of four weeks from the date of passing of this order, and also deposits 20% of the assessed amount, with the learned appellate authority concerned, the latter shall decide the said application, within a period of six weeks thereafter.

5. **Disposed of** accordingly.

December 19, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No