

(2002) 09 JH CK 0085

In the Jharkhand High Court

Case No : Writ Petition (S) No. 4382 of 2002

Mining Machinery Works

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 04-09-2002

Acts Referred:

Employees Provident Funds and Miscellaneous Provisions Act, 1952 — Section 7A(4)

Citation : (2002) 09 JH CK 0085

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : P.P.N. Roy, SC EPF, S. Shrivastava, for the Appellant;

Judgement

S.J. Mukhopadhaya, J.—The writ petition was preferred by the petitioner for a direction on the respondents to dispose of his review petition filed u/s 7-A(4) of the Employees Provident Fund & Miscellaneous Provisions Act, 1952.

2. Further prayer was made to restrain the respondents from taking any coercive steps against it, the assessed amount u/s 7-A of the Act stated to have been passed arbitrarily, without considering the materials available on record and without hearing the petitioner.

3. The counsel for the respondents submitted that the review petition has already been rejected, being time barred, as communicated, vide letter No. 1332 dated 11th July, 2002. A copy of letter has been produced before this Court for perusal.

4. The counsel for the petitioner submitted that the petitioner filed the review petition within time, i.e. within three months from the date of knowledge. The original order u/s 7-A having passed ex parte and as the petitioner come to know of the same in June, 2002, the review petition was preferred.

5. It is also stated that the review petition has been disposed of without notice and hearing the petitioner, so the petitioner could not explain that the review

petition was well within time.

6. In the facts and circumstances, the case is remitted to the Commissioner, Employees Provident Fund Organisation, Regional Office, Ranchi who passed the original order. The Commissioner will hear the petitioner through its representative and decide the issue relating to limitation.

7. If the review application is found to have been filed within time, the Commissioner will recall the earlier order and pass a reasoned order deciding the claim on merit, in accordance with law.

8. On the other hand, if it is barred by limitation, he will communicate the decision to the petitioner within the period of one month from the date of receipt/production of a copy of this order.

9. If the petitioner appears through representative and produces this order before the Commissioner within three weeks and pray for interim relief, the respondents will not take any coercive steps against the petitioner on the basis of the order passed u/s 7-A, till the stay matter is decided.

10. It may be mentioned that this Court has not determined the claim on merit.

11. The counsel for the respondents will hand over a photo copy of letter dated 11th July, 2002 to the counsel for the petitioner in course of the day.

12. The writ petition stands disposed of.