
(2022) 11 KL CK 0090
In the High Court Of Kerala
Case No : Writ Petition (C) 12817 Of 2011

Shajan Abraham	Vs	APPELLANT
Employees Provident Fund Organization @RESPONDEN		RESPONDENT

Date of Decision : 08-11-2022

Acts Referred:

Citation : (2022) 11 KL CK 0090

Hon'ble Judges : P.V.Kunhikrishnan, J

Bench : Single Bench

Advocate : Bechu Kurian Thomas, Enoch David Simon Joel, K.S.Sreejith, N.N. Sugunapalan, Nita.N.S

Final Decision : Allowed

Judgement

P.V.Kunhikrishnan, J

1. The above writ petition is filed with following prayers :

(I) Issue a writ of certiorari or appropriate writ, order or direction quashing Ext.P5 and P6

(II) Issue a writ of certiorari or appropriate writ, order or direction quashing Ext.P1

(III) Issue such other appropriate writ order or direction that may be deemed to be just and equitable in the facts and circumstances of the case." [SIC]

2. The petitioner challenged Ext.P5 order of the Employees Provident Fund Appellate Tribunal, by which the petitioner's appeal is dismissed for default. It is the definite case of the petitioner that no notice is received by the petitioner from the appellate authority. The petitioner came to know about the dismissal of the appeal only when recovery proceedings were initiated. Ext.P6 is the recovery notice.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel

appearing for the respondent.

4. A perusal of Ext.P5 will show that it is an order dismissing the appeal for default. This writ petition is pending before this Court from 2011 onwards. The recovery proceedings pursuant to Exts.P5 and P6 letter is stayed by this Court and interim order is in force even now. According to the petitioner, no notice is received from the Tribunal. I do not want to make any observation about the same. Considering the facts and circumstances of this case, I think the petitioner can be given an opportunity before the Tribunal concerned. Exts.P5 and P6 can be set aside.

Therefore, this writ petition is allowed in the following manner :

- 1) Exts.P5 and P6 are set aside.
- 2) ATA No. 556(7)2007 is restored.
- 3) The Tribunal concerned is directed to dispose ATA No.556(7)2007 as expeditiously as possible, at any rate, within four months from the date of receipt of a copy of this judgment after giving notice to the petitioner and other affected parties.
- 4) Till final orders are passed in this appeal, all recovery proceedings based on Ext.P1 are deferred.