(2026) 02 P&H CK 1721

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 34174 Of 2024 (O&M)

Thapar Institute Of Engineering And Technology, Patiala — APPELLANT

Vs

Central Government Industrial Tribunal-Cumlabour Court-I, Chandigarh And Others — RESPONDENT

Date of Decision : 03-02-2026

Acts Referred:

Constitution Of India, 1950 — Article 226, 227
University Grants Commission Act, 1956 — Section 3
Employees Provident Funds And Miscellaneous Provisions Act, 1952 — Section 1(3)(b), 1(4), 1(4)(3), 7A, 7A(1), 7C, 7C(5), 7I, 7Q, 14B

Citation : (2026) 02 P&H CK 1721

Hon'ble Judges : Kuldeep Tiwari, J

Bench : Single Bench

Advocate : Pawan Kumar Mutneja, Rajat Khanna, Viranjeet Singh Mahal, Vishal Saini, Suverna Mutneja, Sanjay Tangri, Vivek Salathia

Final Decision : Disposed Of

Judgement

Kuldeep Tiwari, J

1. The petitioner-university has filed the instant petition, under Article 226/227 of the Constitution of India, to throw challenge to the legality of the order dated 15.06.2023 (Annexure P-22), passed by respondent no.3, as well as the order dated 22.11.2024 (Annexures P-29), passed by respondent no.1-CGIT.

2. The petitioner-university ('Deemed to be University' under Section 3 of the UGC Act, 1956) is an educational institute. Through an order dated 15.06.2023 (Annexure P-22), in an inquiry initiated under Section 7A of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as the 'Act of 1952'), it was held that the petitioner-university fulfills the criteria to attract the provisions of the said Act, as envisaged under Section 1(3)(b) thereof, so it is covered under the said Act, instead of Section 1(4) thereof. Therefore, section concerned, was instructed to change the coverage from

Section 1(4) of the Act of 1952, under which petitioner establishment was earlier got registered, to Section 1(3)(b) thereof, to ensure proper compliance of all eligible employees as per the provision of the said Act. Further, a direction was given to make compliance to the provisions of the Act of 1952, and the schemes framed thereunder, and report within 15 days of the receipt of the order. The department was further held entitled to invoke the provisions of Section 7-C of the Act of 1952, to recover escaped liability. The damages and interest will be levied as per the provisions of Section 14-B and 7-Q of the Act of 1952.

3. The petitioner-university preferred an appeal against the aforesaid order dated 15.06.2023, under Section 7-I of the Act of 1952. However, the learned appellate authority (CGIT), dismissed the said appeal, on account of maintainability, vide impugned order dated 22. 11.2024 (Annexure P-29). Hence, being aggrieved against the aforesaid orders, the petitioner-university has approached this Court through the instant writ petition.

4. Learned counsel for the petitioner-university, while drawing attention of this Court towards provisions of Section 7-A of the Act 1952, submitted that it empowers the authority as prescribed therein, to adjudicate, a dispute regarding applicability of the said Act to an establishment, and; to determine the amount due from employer under the provisions of the scheme. For these two purposes the appropriate authority may conduct such inquiry as it may deem necessary.

5. He further submitted that Section 7-I of the Act of 1952, provides that in case any person is aggrieved by any order passed, under Section 7-A(1) can prefer an appeal, therefore, he submits that the statutory appeal is maintainable against an order, wherethrough, the maintainability of the Act upon the establishment has been finally adjudicated. Therefore, order passed by the learned appellate authority (CGIT), requires interference by this Court.

6. On the other hand, learned counsel for respondent no.5, placed reliance upon a judgement passed by the Division Bench of this Court in "Autogrinx Engineers Private Ltd. vs. Regional Provident Fund Commissioner" 2024 (2) WLC 681, to submit that the order dated 15. 06.2023, is, in fact, an interlocutory order and until the final amount is assessed by the authority concerned, the petitioner-university cannot prefer an appeal.

7. He also submitted that in case the submission, as made on behalf of the petitioner-university is accepted, it would defeat the basic object of the Act, itself. Rather, it would provide a right to appeal twice to the petitioner-university, and therefore, this would unncessarily cause harassment to the employees.

8. This Court has considered the submissions, as made by learned counsel for the parties concerned, and has perused the entire case file.

9. Before adjudicating the legality of the impugned orders, lets have a glimpse upon Section 7-A(1) and Section 7-I of the Act of 1952, which are reproduced hereinafter:-

“7-A. Determination of moneys due from employers.-[(1) The Central Provident Fund Commissioner, any Additional Central Provident Fund Commissioner, any Deputy Provident Fund Commissioner, any Regional Provident Fund Commissioner or Commissioner, may, by order, any Assistant Provident Fund Commissioner, may, by order,-

(a) in a case where a dispute arises regarding the applicability of this Act to an establishment, decide such dispute; and

(b) determine the amount due from any employer under any provision of this Act, the Scheme or the "[Pension] Scheme or the Insurance Scheme, as the case may be, and for any of the aforesaid purposes may conduct such inquiry as he may deem necessary.

7-I. Appeals to Tribunal.-(1) Any person aggrieved by a notification issued by the Central Government, or an order passed by the Central Government or any authority, under the proviso to sub-section (3), or sub-section (4), of section 1, or section 3, or sub-section (1) of section 7-A, or section 7-B [except an order rejecting an application for review referred to in sub-section (5) thereof), or section 7-C, or section 14-B, may prefer an appeal to a Tribunal against such notification or order.

(2) Every appeal under sub-section (1) shall be filed in such form and manner, within such time and be accompanied by such fees, as may be prescribed.”

10. Upon a deep scrutiny of the above provisions, this court is of the considered view that Section 7-A empowers the authority as prescribed therein, to pass an order and adjudicate the issue; (i) whether the Act applies to an establishment or not; and (ii) to assess the amount due from any employer under any provision of this Act, the Scheme or the Pension Scheme or the Insurance Scheme. It further provides that for any of the aforesaid purposes, the appropriate authority may conduct such inquiry as it may deem necessary. These two are the independent adjudicatory functions, and once the authority decides the applicability of the Act of 1952, it is itself a final determination of rights and liability, therefore, it cannot be considered as any interlocutory order.

11. Further, Section 7-I of the Act of 1952, refers to the provision of appeal to the Tribunal, and provides that any person aggrieved by any notification, or order issued by the Central Government, or any order passed by any authority under sub section (1) of Section 7-A, may prefer an appeal before the Tribunal, against such notification or order.

12. A conjoint reading of both the above discussed provisions, does not lead to any conclusion, that the appeal is only maintainable once the authority decide both the issue, i.e. issue of maintainability and thereupon, assess the amount due. Rather, it entitles any aggrieved person to file an appeal against any order, passed under sub section (1) of Section 7-A by the authority concerned.

13. In view of the above categoric analysis, this Court is unable to find out that

legislation has any intention to curtail the right to appeal as provided under Section 7-I of the Act of 1952, until the authority finally assess the amount. Therefore, this Court finds that order passed by the learned appellate authority (CGIT), warrants interference. Resultantly, the impugned orders (supra), are hereby, set aside, and the matter is remanded to the learned appellate authority (CGIT), for adjudication afresh on merits.

14. Disposed of accordingly.

15. All pending application(s), if any, also stand disposed of accordingly.

