

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR  
COURT, No. 2 DELHI**

**D-2/01/2025**

**M/s Chennai MSW Pvt. Ltd. vs. APFC/RPFC, Noida.**

Present: Sh. Ravi Ranjan Mishra, Sh. Siddharth Sapra, Ms. Nidhi Mishra,  
& Ms. Puja Das, Ld. Counsels for the Appellant.  
Ms. Santwana Aggarwal, Ld. Counsel & Sh. Ramakant Yadav,  
A/R for the Respondent.

**Order dated-15.05.2025**

1. Record perused. This tribunal vide order dated 25.04.2025 had directed the Enforcement Officer to appear before this tribunal and explain the reason for disobeying the order of this tribunal. Further, respondent department was also directed to explain the action taken on the letter dated 10.04.2025 submitted by the appellant establishment to the respondent authority requesting them to withdraw directions issued to the Bank vide order dated 28.01.2025 passed u/s **8F of the EPF & MP Act, 1952 (hereinafter referred as the Act)**. Above said direction have been passed when the appellant counsel has moved an interim application for defreezing the account no. 915020049664536 on which the Axis Bank had created lien/freeze the account in pursuance of the communication dated 28.01.2025 to the **Branch Manager, Axis Bank Ltd., B 21 & 22, Section 16, Noida Gautam Buddha Nagar, U.P.-201301**.
2. The contention of the appellant was that in spite of the stay order dated 06.02.2025 in his favour, the respondent by hand has submitted the copy of the order passed u/s 8F of the Act on 24.02.2025 to the bank. Subsequently, on 21.03.2025 respondent department was directed not to take further action. However, the bank has freeze the above mentioned amount on 06.03.2025.
3. In the present case, appeal has been filed on 31.01.2025. The appeal has come up on 06.02.2025 for admission hearing. On the same date, order was passed in the presence of the counsels of both the parties. Vide that order this tribunal had condoned the delay in filing the appeal and the respondent was directed not to take coercive measure.
4. Sh. Ramakant Yadav, who has appeared before this tribunal has tendered his unconditional apology and stated that he was not aware

about the order passed by this tribunal on 06.02.2025. Counsel for the respondent has also stated that she had informed the order dated 06.02.2025 to the department on the same date by sending through email. However, enforcement section/compliance section was not informed properly. Moreover, she submitted that enforcement officer had been busy in ELIC work assigned by the office. However, it is a matter of fact that order u/s 8F of the Act has been served to the Bank by hand on 24.02.2025. In between counsel had appeared twice before this tribunal i.e. 06.02.2025 and 20.02.2025.

5. Though, this tribunal is not convinced with the argument that it was miscommunication, this tribunal is restrained from taking any coercive action against the officer Sh. Ramankant Yadav. Warning is administered to Sh. Ramakant Yadav for remaining careful in future. A copy of this order is sent to the **Ld. Central Provident Fund Commissioner** so that he shall communicate this order to all the officers subordinate to him issuing instruction to them that they should not take any coercive steps before satisfying whether any stay order granted by competent court/ tribunal is in operation or not. All the RPFCs including the present one are directed to adhere the coherence between the different sections of their offices so that this kind of situation would not happen. As soon as the order of stay has been received it will be conveyed to all the section i.e. legal section, enforcement section and recovery section as the case may be to stop the proceeding in between so that it does not result into recovery of the amount despite of the stay order. With these observation officer present is discharged. Put up on 04.08.2025 for arguments on the misc. application filed u/s 70 of the Act. In the meanwhile, interim order to continue till next date of hearing.

Sd/-

Atul Kumar Garg  
(Presiding Officer)