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THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT/EPF APPELLATE TRIBUNAL,
JABALPUR

NO. CGIT/LC/EPFA-4-2020

PRESENT: P.K.SRIVASTAVA
H.J.S.(Retd.)

Ashok Kumar Gupta & another

APPELLANT

Versus

The Assistant Provident Fund Commissioner
Pandri, Raipur(C.G.)

2.Recovery Officer,
EPF Organisation,
Pandri,Raipur(C.G.)

RESPONDENT

Shri A.K.Shashi : **Learned Counsel for Appellant.**

Shri J.K.Pillai : **Learned Counsel for Respondent.**

(ORDER)

(Passed on this 26th day of July-2022)

1. The only ground pressed by learned counsel for the Appellant in this appeal is that the Respondent Authority was directed by Hon'ble High Court to decide the Review Petition filed by the Appellant Establishment against the order of the Respondent



Authority. The Respondent Authority did not decide the Review Petition, rather it was decided by another Authority which is against law.

2. The facts connected in this respect emerge from perusal of record and that the Respondent Authority passed an order under Section 7A of the Employees Provident Fund And Misc. Provisions Act, 1952, herein after referred to as "the Act", on 7-6-2007. The Appellant Establishment filed a Review Petition against this order on 12-11-2008. In Writ Petition(L) No.2610/2009, the Single Bench of Hon'ble Chhattisgarh High Court, directed the Respondent Authority to pass orders in accordance with law on the Review Petition and if grievance of the Appellant Establishment are still not redressed, they may take recourse to such remedy as may be available under law.
3. On perusal of all the so called review order, it comes out that firstly it was passed by Recovery Officer and not the Respondent Authority i.e. the adjudicating authority. Perusal of record reveals that this order (if we really call it an order) is in the form of para-wise reply to the Review Petition given by the Recovery Officer who also happens to be Regional Provident Fund Commissioner.
4. The main argument of learned counsel for the respondent is that it was the Provident Fund Commissioner or Assistant Provident Fund Commissioner who passed the order against which the Review was sought but I am not inclined to accept this submission on the ground that in the so called Review order which I am not inclined to accept it as a Review Order because it is in the form of para-wise reply of Review Petition, the Authority was acting not in the



P. K.

capacity of Adjudicating Authority, rather he was acting in the capacity of Review Authority. Hence, holding that firstly that it is not an order rather a parawise reply, secondly it was not passed by the Authority which had passed the order in Review, the appeal deserves to be disposed and the matter deserves to be remanded back to the Respondent Authority with a direction to dispose the review after giving the Appellant Establishment an opportunity of hearing by a reasoned order within a specified time frame because the matter is too old.

ORDER

Setting aside the impugned order, the matter is remanded back to the Regional Assistant Provident Fund Commissioner i.e. the Respondent with a direction to pass a reasoned order on the Review Petition filed by the appellant before him, after giving the Appellant an opportunity of hearing within the specified time frame preferably within two months from the date of receipt of the copy of this judgment.


(P.K.SRIVASTAVA)

PRESIDING OFFICER

26-7-2022

