

Karnataka High Court

Shi Shivling Vidyavardhan ... vs The Asst. Provident Fund ... on 2 June, 2009

Author: B.S.Patil

BETWEEN:

IN THE HIGH COURT OF KARNATAKA' % ; ; f f =-

CIRCUIT BENCH AT GULBARGA: . : j ~ . .

DATED THIS THE 26th my () : ' \$ f ' ; 3. U4NE; 4. A200\$ ~ \ é 7

BEFORE _ V'
THE H() N' BLE MR. ' J1 i ITSTICE B. s. PA i * IL. ' : ' : \$

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SR1 criiamniwakamifi GAHQAG:
NAUBAD, z31DAR ' . Vfj - . _ ' .

- . . - g ' PETITIONER

(BY SR! A: v: REér: R. o. 3} a. , Aisv.)

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GULBARGA

" * sY. rm. 97, 313131133 REMAND
' . . = I i 0M. E, ALAND, GULBARGA.

. ' f : ; I \$ é : ' ENF0RCEMENT OFFICER,
_ . _ E \$ \ IPLOYEES PROVIDENT FUND

ORGANIZATION

SY. NG. 9 ' 7, BESIDE REMAND

(BY SR: R. S. PA ' 1 ' IL, Ai) V.)

HOME, ALAND, GULBARGA.
RESPONBENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING THAT THE ORDER DATED 27.1.2009 VIDE ANN-C PASSED BY THE RESPONDENT, A NCTICE UNDER ANN-D DATED 2.2.2009 BE SET ASIDE.

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UNDER ANN-D DATED 2.2.2009 BE SET ASIDE.

THIS PETITION COMING ON FOR CONSIDERATION, THE COURT MADE THE FOLLOWING ORDER:

A. The writ petition filed by the petitioner against the order dated 27.1.2009 of the Assistant Commissioner for Provident Funds challenged in this writ petition under Section 7A of the Provident Funds Act, 1952, is dismissed with costs. The petitioner is directed to deposit the amount of Rs. 3,65,000/- within a period of one month from the date of the order. In the event of non-deposit, the writ petition shall stand dismissed. Aggrieved by this order, a review petition was

filed by the petitioner. In the review petition, it is contended that, despite due diligence, the petitioner could not produce the entire evidence in the matter and in the absence of such evidence,

the writ petition should be allowed. On the basis of the material evidence on file, the court held that the writ petition is not maintainable. It is further held that the Assistant Commissioner for Provident Funds is not a judicial officer and his order is not a judicial order. The writ petition is dismissed with costs. The petitioner is directed to deposit the amount of Rs. 3,65,000/- within a period of one month from the date of the order. In the event of non-deposit, the writ petition shall stand dismissed. Aggrieved by this order, a review petition was filed by the petitioner. In the review petition, it is contended that, despite due diligence, the petitioner could not produce the entire evidence in the matter and in the absence of such evidence,

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