

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.1750 of 2020

1. Jharkhand Education Project, Dhanbad through its DSE-cum-Addl. District Program Officer.
2. Jharkhand Education Project Council through its Director Uma Shanker Singh, Ranchi

Versus

1. The Employees' Provident Fund Organization (Ministry of Labour, Government of India) through its Assistant Provident Fund Commissioner/Assessing Officer, Ranchi.
 2. The Regional Provident Commissioner, Employees' Provident Fund Organization (Ministry of Labour, Government of India), Ranchi.
 3. The Assistant Provident Fund Commissioner, Employees' Provident Fund Organization, D.O. Dhanbad, District-Dhanbad
 4. The Recovery Officer, Employees' Provident Fund Organization, Ranchi.
 5. The Union of India, through its Secretary, Ministry of Labour, Government of India.
 6. The Union of India, through its Secretary, Ministry of Human Resources and Development, Government of India.
 7. The State of Jharkhand through its Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Ranchi.
 8. The Director Primary Education, Government of Jharkhand, Dhurwa, Ranchi.
- Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Krishna Murari, Advocate
For the Res. Nos.1 to 4 : Mr. Prashant Pallav, Advocate
For the Res. Nos.7 & 8 : Mr. Manav Poddar, A.C. to A.A.G. I

04/19.10.2020 The present writ petition is taken up today through Video conferencing.

The present writ petition has been filed for quashing the order no.JH/RO/RNC/CC-III/7A/1392720/18/2621 dated 29th October, 2018 (Annexure-6 to the writ petition) passed by the Assistant Provident Fund Commissioner (Compliance), Employees' Provident Fund Organization, D.O., Dhanbad (the respondent no.3) under Section 7-A of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, (hereinafter to be referred as the "Act, 1952") whereby the petitioner no.1 has been directed to pay the dues of Rs.4,53,75,324/- (Rupees Four Crores Fifty Three Lacs Seventy Five Thousand Three Hundred Twenty Four only) as Employees' Provident Fund and allied dues for the period from April, 2015 to March, 2016 as against contributions with respect to the Para Teachers engaged in the District of Dhanbad. Further prayer has been made for quashing the order of attachment no.JH/RO/RNC/CC-III/7A/1392720/19/3597 dated 12th February, 2019 (Annexure-8 to the writ petition) issued under the

signature of the Regional Provident Commissioner, Employees' Provident Fund Organization, Ranchi (the respondent no.2) whereby the Branch Manager, Bank of India, Combined Building Branch, Dhanbad has been ordered to pay Rs. 4,53,75,324/- (Rupees Four Crores Fifty Three Lacs Seventy Five Thousand Three Hundred Twenty Four only) by way of demand draft in favour of the respondent no.2 being the amount payable by the defaulter. The petitioners have also prayed for issuance of direction upon the Employees' Provident Fund Organization, Ranchi (the respondent no.1) to refund/restore the entire amount retrieved from the Bank of India Account No.474810100000116.

Mr. Prashant Pallav, learned counsel appearing on behalf of the respondent nos.1 to 4, raises a preliminary objection with regard to the maintainability of the writ petition in view of an alternative/efficacious /statutory remedy available to the petitioners under Sections 7-B and 7-I of the Act, 1952. It is further submitted that earlier two similar writ petitions filed by the Jharkhand Education Project of different districts i.e., W.P.(C) No.2972 of 2019 and W.P.(C) No.2411 of 2019 have already been dismissed by this Court vide orders dated 1st August, 2019 and 9th December, 2019 respectively on the point of maintainability granting liberty to the petitioners of the said cases to approach the alternative forum as provided under the statute.

Having heard learned counsel for the parties and keeping in view that the writ petitioners have the alternative/efficacious/statutory remedy against the order dated 29th October, 2018 passed by the respondent no.3, I am not inclined to entertain the present writ petition at this stage and the same is dismissed as not maintainable.

The petitioners are, however, at liberty to take alternative recourse against the impugned order passed by the respondent no.3 under the provisions of the Act, 1952.

I.A. No.4990 of 2020 is also dismissed.

(Rajesh Shankar, J.)

Rohit/