



2025:KER:30212

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

WP(C) NO. 14503 OF 2025

PETITIONER:

M/S. KERALA ELECTRICAL AND ALLIED ENGINEERING
COMPANY LTD
MAMALA ERNAKULAM DIST,
REPRESENTED BY ITS GENERAL MANAGER
MRS. MINI N.R- 682305

BY ADVS.
ABEL TOM BENNY
D.PREM KAMATH
TOM THOMAS (KAKKUZHIYIL)
AARON ZACHARIAS BENNY
CLINT JUDE LEWIS
ALAN J YOGYAVEEDU
MATHEW ANGELO DAVIS
JYOTHIKA KRISHNA

RESPONDENTS:

- 1 THE REGIONAL PROVIDENT FUND COMMISSIONER II,
EMPLOYEES PROVIDENT FUND ORGANISATION,
REGIONAL OFFICE, KALOOR, COCHIN - 682017
- 2 CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM
LABOUR COURT
HOUSING BOARD COMPLEX, PANAMPALLY NAGAR,
ERNAKULAM,
REPRESENTED BY THE PRESIDING OFFICER- 682036
R BY PRASANTH, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 08.04.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



JUDGMENT

The petitioner is a State Government undertaking covered under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for short 'the Act'). Ext.P1 is the order issued by the 1st respondent imposing damages on the petitioner under Section 14B of the Act. Challenging Ext.P1, the petitioner has preferred Ext.P2 appeal (Appeal No.19/2025) before the 2nd respondent under Section 7I of the Act, accompanied by a stay petition. However, the appeal has not so far been taken up for consideration, as there is no Presiding Officer for the Tribunal. It is submitted that, in the meantime, recovery proceedings are being initiated by the 1st respondent.



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2. Heard the learned counsel for the petitioner and Sri.S.Prasanth, learned Standing Counsel for the 1st respondent.

3. Since it is submitted that no Presiding Officer has been appointed for the 2nd respondent Tribunal and the appeal as well as the stay petition is not taken up for consideration, there will be a stay of operation of Ext.P1 till the Tribunal becomes functional and the stay petition accompanying Ext.P2 appeal is heard and disposed of.

The writ petition is disposed of accordingly.

Sd/-

**MURALI PURUSHOTHAMAN
JUDGE**

SB



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APPENDIX

PETITIONER EXHIBITS

Exhibit P1 TRUE COPY OF THE ORDER DATED 17.02.2025
NO. KR/KCH/2700/ PENAL.DAMAGES/
PROCEEDINGS/ 2024-25/1411 ISSUED BY THE
1ST RESPONDENT

Exhibit P2 TRUE COPY OF THE MEMORANDUM OF APPEAL
NO.19/2025 AND STAY PETITION, WITHOUT
ANNEXURES FILED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT DATED
03.04.2025