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W.P. 11281(W) of 2017

Rajya Parshwa Shikshak Samanway Samity & Ors.

-Vs-

The State of West Bengal & Ors.

Mr. Debabrata Saha Roy,
Mr. Indranath Mitra,

... for the petitioners

Mr. Swapan Dutta,

... for the State respondents

Ms. Mitali Bhattacharjee,

... for the Provident Fund authorities

Let the affidavit of service filed in Court today be kept with the record.

The petitioners are directed to put in the deficit court fees within ten days. In default, the writ petition will be treated as maintainable only in respect of the petitioner No. 1.

The petitioners are also directed to incorporate the Union of India through the Ministry of Labour and Employment, Government of India as respondent to this writ petition and to serve copies of the writ petition upon the office of the Law and Justice, Kolkata as well as personally upon the Additional Solicitor General.

Heard the learned advocates for the respective parties.

This writ petition should be decided on affidavits.

Let affidavits-in-opposition to the writ petition be filed within a period of four weeks from date. Let affidavits-in-reply thereto, if any, be filed within two weeks thereafter.

Let the matter appear for hearing in the combined monthly list of August, 2017 within the first 50 matters under that heading.

There is no scope of passing any mandatory interim order. However, it is made clear that pendency of the writ petition shall not stand in the way of the Provident Fund authorities' from taking appropriate steps in accordance with law for implementation of the order passed by them under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act as in more than three years' time, the said order has not been challenged by the respondent No. 4.

Since after making a full-fledged argument for the party affected by the 7A order, Mr. Dutta, the learned advocate appearing for the State respondents is not very sure whether he has the authority to represent the respondent No. 4, the petitioners are directed to communicate the gist of this order to the respondent No. 4.

(Dr. Sambuddha Chakrabarti,J)