



Mr. Rajiv Kataria, Advocate with  
Mr. Rajdeep Cheema, Advocate and  
Ms. Sunita Punia, Advocate  
For the respondent No.2 in CWP No.14862 of 1999.

Mr. S.K Sandhir, Advocate  
for the respondent (*joined through V.C.*)

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**HARSIMRAN SINGH SETHI, J. (Oral)**

1. Present bunch of three writ petitions involve common question of law in the context of common set of facts and thus they are being decided by a common order.
2. In CWP No.14862 of 1999, the order under challenge dated 21.09.1998 (Annexure P-5) passed by the Provident Fund Appellate Tribunal by which, the case was remanded back to the Regional Provident Fund Commissioner that in case, the said authority is going to issue “No Objection Certificate” to appellant, he will reconsider his order and reduce the penalty to 12%, the same be done or, the order which the authority thinks proper should be passed.
3. There was no interim order and an appropriate order must have been passed by the petitioner upon the remand.
4. Learned counsel for the petitioner pleads ignorance about any orders passed.
5. A bare perusal of the impugned order dated 21.09.1998 would show that the discretion was given to the authorities concerned to pass an appropriate order and the only request was that in case, the penalty payable can be charged at 12% per annum, the same be charged. There is no

direction given rather, only observations have been made, which have been made the subject matter of this petition.

6. Keeping in view the totality of the circumstances as, only the observations were made but the decision was left to the authorities concerned, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

7. At this stage, learned counsel for the petitioner in CWP No.17938 of 1999 and CWP No.8466 of 2000 submits that even otherwise, there was no interim order qua the orders impugned which was remanded back for re-assessing the damages after finding out the actual amount of Provident Fund contribution etc. and the authorities must have passed the fresh orders. Once, the fresh orders might have already been passed after a period of 2 ½ decades, no interference is called for by this Court in the facts and circumstances of the present case

8. Present bunch of petitions stands dismissed.

9. In case no appropriate order has been passed, the authorities are well within their jurisdiction to pass a fresh order.

10. Pending application, if any, also stands disposed of.

11. Photocopy of this order be placed on the files of other connected cases.

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

07-05-2025  
Sapna Goyal

NOTE: Whether speaking: YES  
Whether reportable: NO