

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

RP.No. 605 of 2012 (A) IN WP(C).33402/2011

AGAINST THE ORDER/JUDGMENT IN WP(C) 33402/2011 of HIGH COURT OF KERALA
DATED 14-12-2011
REVIEW PETITIONER(S)/4TH RESPONDENT IN WPC :

G.GOPALAKRISHNA PILLAI
SMITHALAYAM, DECENT JUNCTION, P.O.MUKHATHALA
KOLLAM-691 577.

BY ADV. SRI.GEORGE JACOB (JOSE)

RESPONDENT(S)/PETITIONER :

1. MOHAMMED RAFI, AGED 48 YEARS
S/O. ABDUL MAJEED, RESIDING AT KALLUVILA VEEDU
AYATHIL P.O., KOLLAM, PIN-691 577.

2. THE ASSISTANT PROVIDENT FUND COMMISSIONER
EMPLOYEES PROVIDENT FUND ORGANIZATION SUB-REGIONAL OFFICE
PONNAMMA CHAMBES-1, PIN-691 001.

3. THE REGIONAL PROVIDENT FUND COMMISSIONER
EMPLOYEES' PROVIDENT FUND ORGANIZATION
SUB-REGIONAL OFFICE, PONNAMMA CHAMBERS-1, PIN-691 001.

4. EMPLOYEES' PROVIDENT FUND ORGANIZATION
REPRESENTED BY THE REGIONAL PROVIDENT FUND COMMISSIONER
BHAVISHYA NIDHI BHAVAN, P.B.NO.1016
THIRUVANANTHAPURAM-695 004.

R BY SRI.R.KISHORE

R BY SRI.PIRAPPANCODE V.S.SUDHIR

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 19-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.N. Ravindran, J.

R.P.No.605 of 2012
in W.P.(C) No.33402 of 2011

Dated this the 19th October, 2015

ORDER

The prayer in this review petition is to review and recall the interim order passed by me on 14.12.2011 in W.P.(C) No.33402 of 2011. By that order, while staying the recovery proceedings initiated by the Employees Provident Fund Organisation against the writ petitioner, it was clarified that it will be open to the Employees Provident Fund Organisation and its officers to proceed against the 4th respondent in the writ petition and his assets. The 4th respondent in the writ petition has, aggrieved thereby, filed this review petition.

2. This review petition was admitted on 5.7.2015. On that day I passed an interim order on I.A.No.355 of 2012 staying the operation of the interim order passed by me in the writ petition so far as it relates to the review petitioner, viz. the 4th respondent in the writ petition. The writ petition is, even today, stated to be pending. The question whether the Employees Provident Fund Organisation is entitled to proceed against the review petitioner or not is a matter which will have to be

finally decided in the writ petition. In such circumstances and also for the reason that it was without hearing the 4th respondent in the writ petition that the observation against him in the impugned order was made, I am of the opinion that the proper course will be to review and recall the last sentence occurring in the impugned order passed by me on 14.12.2011 in W.P.(C)No.33402 of 2011.

I accordingly allow the review petition and review and recall the last sentence in the interim order passed by me on 14.12.2011 in W.P. (C) No.33402 of 2011.

Registry to post the writ petition as per roster after a week.

(P.N. Ravindran, Judge.)

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