

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

WA.No. 1012 of 2014 () IN WP(C).3914/2006

AGAINST THE JUDGMENT IN WP(C) 3914/2006 of HIGH COURT OF KERALA
DATED 18-06-2013

APPELLANT/3RD PARTY:

EMPLOYEES PROVIDENT FUND ORGANISATION,
BHAVISHYA NIDHI BHAVAN, P.B.NO.1806, KOZHIKODE-673006
REPRESENTED BY ITS ASSISTANT
P.F.COMMISSIONER(COMPLIANCE DIVISION).

BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL,SC, P.F.

RESPONDENTS/RESPONDENTS:

1. THE TECHNICAL ADVISOR,
JANATHA TILE WORKS LTD, MUNNIYOOR, THIRURANGADI.P.O
MALAPPURAM DISTRICT, PIN-676311.
2. EMPLOYEES PROVIDENT FUND APPELLATE TRIBUNAL,
SCOPE MINAR, 4TH FLOOR, CORE-2
LAXMI NAGAR, DELHI-110092.

R1 BY ADV. SRI.B.SAJEEV KUMAR
R2 BY SRI.N. NAGARESH, ASG OF INDIA

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 09-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WA.No. 1012 of 2014

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A : TRUE COPY OF LETTER MEMO NO.39 DATED 17.12.2013 ISSUED
BY ASSISTANT DIRECTOR (AUDIT), EMPLOYEES PROVIDENT
FUND ORGANISATION, TRIVANDRUM.

RESPONDENTS' ANNEXURES: NIL

//TRUE COPY//

P.A. TO JUDGE

smv

**K. SURENDRA MOHAN
&
SHAJI P. CHALY, JJ.**

W.A. No.1012 of 2014

Dated this the 9th day of September, 2015

JUDGMENT

Surendra Mohan,J.

This Writ Appeal is filed by the Employees' Provident Fund Organisation against the judgment dated 18.6.2013 in W.P.(C) No.3914 of 2006. The Writ Petition was filed challenging the order passed by the Employees' Provident Fund Appellate Tribunal, the second respondent herein reducing the quantum of damages levied by the appellant on the 1st respondent under Section 64B of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952 (hereinafter referred to as "the Act" for short). The appellant had levied damages at 100% which has been reduced to 60%. The learned Single Judge has found that there were no ground to interfere with the order of the second respondent. The appellant is aggrieved by the said judgment.

2. We have heard Sri.Thomas Mathew Nellimoottil, the learned Standing Counsel appears for the appellant as well as Sri.B.Sajeev Kumar, the learned counsel who appears for the

first respondent.

3. We find no infirmity in the judgment of learned Single Judge warranting an interference therewith. The 2nd respondent has exercised a discretion vested in it by law and reduced the quantum of damages. We do not find any acceptable reason to restore the original order of the appellant.

In view of the above, the Writ Appeal is dismissed.

Sd/-
K. SURENDRA MOHAN
JUDGE

Sd/-
SHAJI P. CHALY
JUDGE

//true copy//

P.A. To Judge

smv
21.11.2015

The 6th and 7th lines at page 1 of the judgment dated 09.09.2015 in W.A.No.1012/2014 is corrected as “.....damages levied by the appellant on the 1st respondent under Section 14B of the Employees Provident Fund & Miscellaneous.....” vide order dated 23.03.2016 in I.A.No.332/2016 in W.A.No.1012/2014.

Sd/-
Registrar (Judicial)