

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

W.P.(C).No.6108 of 2007 (B)

PETITIONER(S):-

BINU VALLAMATTOM,
HOUSE NO.44/1084, ASHOKA ROAD, KALOOR, COCHIN-17.

BY ADVS.SRI.S.JAMAL
SRI.BIMAL K.NATH
SRI.E.M.SUNIL KUMAR
SRI.SREEVALSAN.V

RESPONDENT(S):-

1. THE ASST. PF COMMISSIONER,
EPF ORGANIZATION, KALOOR, COCHIN-17.
2. S.I.OF POLICE,
NORTH POLICE STATION (KASABA), ERNAKULAM.
3. THE BOARD OF TRUSTEE,
EPF ORGANIZATION, GOVT. OF INDIA, UDYOG BHAVAN,
NEW DELHI.
4. EPF APPELLATE TRIBUNAL,
NEW DELHI.

R1 & R3 BY SENIOR ADVOCATE DR.S.GOPAKUMARAN NAIR.
R2 BY GOVERNMENT PLEADER SRI.T.J.MICHAEL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
23-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 TRUE COPY OF THE ORDER FROM BIFR DATED 17.4.2002.
- EXT.P2 TRUE COPY OF THE NOTICE UNDER THE SURFAESI ACT
DATED 20.2.2003.
- EXT.P3 TRUE COPY OF THE PROHIBITORY ORDER ISSUED BY THE
1ST RESPONDENT DATED 13.4.2005.
- EXT.P4 TRUE COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT
DATED 11.09.2006.
- EXT.P5(a) TRUE COPY OF THE APPEAL IN A.T.A.2006 APPEAL IN A.T.A.
NO.672(7)/05.
- EXT.P5(b) TRUE COPY OF THE APPEAL IN A.T.A.NO.673(7)/2005.
- EXT.P5(c) TRUE COPY OF THE APPEAL IN A.T.A.NO.301(7)/2006.
- EXT.P6 TRUE COPY OF THE REPRESENTATION DATED 11.12.2006
SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- EXT.P7 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER BEFORE THE REGIONAL PROVIDENT FUND
COMMISSIONER.
- EXT.P8 TRUE COPY OF THE ORDER IN A.T.A.NO.301(7)/2006
DATED 24.4.2007.

RESPONDENT'S EXHIBITS:-

- EXT.R1(a) TRUE COPY OF FORM 5A.
- EXT.R1(b) TRUE COPY OF ORDER SHEET OF PERSONNEL HEARING
CONDUCTED ON 25.09.2006.
- EXT.R1(c) TRUE COPY OF THE ORDER SHEETS OF PERSONAL HEARING
CONDUCTED ON 10.10.2006.

- EXT.R1(d) TRUE COPY OF ORDER SHEETS OF PERSONNEL HEARING
CONDUCTED ON 7.12.2006.
- EXT.R1(e) TRUE COPY OF THE LETTER DATED 13.11.2006.
- EXT.R1(f) TRUE COPY OF THE LETTER DATED 21.12.2006.
- EXT.R1(g) TRUE COPY OF THE LETTER DATED 1.1.2007.
- EXT.R1(h) TRUE COPY OF UNDERTAKING MADE BY THE PETITIONERS.

Vku/

(true copy)

K.Vinod Chandran, J.

W.P.(C).No.6108 of 2007-B

Dated this the 23rd day of January, 2015

JUDGMENT

The above writ petition was filed against the threat of arrest of the petitioner for dues under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 [for brevity "EPF Act"].

2. The writ petition was admitted on 26.02.2007 and stay was granted. Later, on 28.03.2007, the 1st respondent was directed to consider the claim of the petitioner for instalment facility, as directed in Exhibit R1(g). It was also specified that if the petitioner pays an amount of Rupees Two lakhs within one month, the petitioner shall not be arrested. Further, this Court also directed continuance of the payment of dues by way of monthly instalments of Rupees Two lakhs till the 1st respondent takes a decision as directed above. If the petitioner does not pay the instalments as directed in the interim order or if the facility, if any, granted by the 1st respondent is not availed of; it was directed that the competent authority could proceed in accordance with law.

In the light of the interim order granted, nothing survives in the writ petition and the same would stand dismissed.

Sd/-
K.Vinod Chandran
Judge

vkul/-

(true copy)