

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

WP(C).No. 860 of 2015 (F)

PETITIONER :

**MALABAR INSTITUTE OF MEDICAL SCIENCES LTD,
MINI BYE-PASS ROAD, GOVINDAPURAM P.O.,
CALICUT - 673 016,
REPRESENTED BY ITS COMPANY SECRETARY.**

**BY SRI.U.K.RAMAKRISHNAN,SENIOR ADVOCATE
ADVS. SRI.E.K.MADHAVAN
SMT.P.VIJAYAMMA
SRI.V.KRISHNA MENON
SMT.UMA GOPINATH
SRI.PRINSUN PHILIP
SMT.J.SURYA
SMT.DEVI.C.HARIDAS
SRI.U.K.DEVIDAS**

RESPONDENT(S):

- 1. THE REGIONAL PROVIDENT FUND COMMISSIONER,
SUB REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN,
P.B. NO. 1806, ERANHIPALAM P.O., KOZHIKODE- 673 006.**
- 2. THE EMPLOYEES PROVIDENT FUND APPELLATE TRIBUNAL,
CORE-2, 4TH FLOOR, SCOPE MINAR,
LAXMI NAGAR, NEW DELHI - 110 092.**

R1 & R2 BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL,SC, P.F.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 860 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1- TRUE COPY OF THE ORDER DATED 31/10/2014.**
- EXHIBIT-P2- TRUE COPY OF THE MEMORANDUM OF APPEAL WITH ANNEXURE
EXCEPT ANNEXURE-A5**
- EXHIBIT-P3- TRUE COPY OF THE PETITION FOR STAY.**
- EXHIBIT-P4- TRUE COPY OF THE PETITION FOR WAIVER OF PRE-DEPOSIT.**
- EXHIBIT-P5- TRUE COPY OF THE MAIL DATED 15/12/2014 RECEIVED FROM THE
COUNSEL.**
- EXHIBIT-P6- TRUE COPY OF THE LETTER DATED 09/12/2014 OF THE IST
RESPONDENT.**
- EXHIBIT-P7- TRUE COPY OF THE LETTER DATED 17/12/2014.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

K. VINOD CHANDRAN, J.

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W.P.(C) No.860 of 2015 - F

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Dated this the 13th day of January, 2015

J U D G M E N T

Ext.P1 is the Section 7A order passed against the petitioner, under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for brevity, 'EPF & MP Act'), against which, petitioner filed Ext.P2 appeal, which is accompanied by Ext.P3 stay petition and also Ext.P4 petition for waiver of pre-deposit, before the 1st respondent. Appeal, stay petition and waiver application are pending before the 1st respondent. In the meanwhile, coercive proceedings have been initiated. It is in this context, the writ petition has been filed. The petitioner also contends that at present there is no presiding officer in the Tribunal.

2. In the above circumstances, it is only proper that, the coercive proceedings be stayed until orders are passed in either Exts.P3 and P4, which order shall

determine the matter thereafter.

3. There shall be a stay of recovery on condition of the petitioner paying 25% of the amounts, subject however to the consideration of the application for waiver of pre- deposit and stay petition; on passing orders in which the matter shall be governed by such orders.

Writ petition disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy //

P.A to Judge.