

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

WP(C).No. 6959 of 2010 (T)

PETITIONER(S):

**ABDUL KAREEM, S/O. SULTAN, AGED 50,
PROPRIETOR, M/S.FOUSIYA CASHEWS,
AVANEESWARAM, RSPO, KUNNICODE, KOLLAM.**

**BY ADVS.SMT.A.K.PREETHA,
SRI.ANIL NARAYANAN.**

RESPONDENT(S):

- 1. THE EMPLOYEES PROVIDENT FUND ORGANIZATION,
SUB REGIONAL OFFICE, MANNANIA COMPLEX,
ANDAMUKKAM, KOLLAM, REPRESENTED BY THE
REGIONAL PROVIDENT FUND COMMISSIONER.**
- 2. ASSISTANT PROVIDENT FUND COMMISSIONER,
THE EMPLOYEES PROVIDENT FUND ORGANIZATION,
SUB REGIONAL OFFICE, MANNANIA COMPLEX,
ANDAMUKKAM, KOLLAM.**

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR, SC.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

WP(C).No. 6959 of 2010 (T)

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1 COPY OF THE ORDER NO.KR/1255/KLM/PD/09 DATED 11/01/2010
PASSED BY THE 2ND RESPONDENT UNDER SECTION 14B OF THE
EPF & MP ACT.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

K. Vinod Chandran, J.

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W.P.(C)No.6959 of 2010

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Dated this the 26th day of February, 2015.

JUDGMENT

The above writ petition was filed against a determination made under Section 14B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for brevity, the "Act"). The specific ground, on which the writ petition was filed, was that, recovery proceedings were initiated, even within the appeal period. In fact, a reading of the averments would show that, the petitioner had indicated that, an appeal would be filed, within the period provided under the Act. In such circumstances, if an appeal is filed, necessarily, the recovery will have to concede to such orders. There could be no consideration of the merits of the determination made in the above writ petition. If the liability is still pending by reason only of the stay granted and if there is no appeal filed, then, definitely, the petitioner would have to

satisfy the liability. In such circumstances, if the petitioner approaches the authority within a period of two weeks from today, the petitioner shall be granted six monthly instalments to pay off the entire amounts. If no amounts are paid, then, the Organization would have the right to recover the same, subject however to any orders passed in appeal.

Writ petition is closed with the above observation.

K. Vinod Chandran, Judge.

sl.