

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 12TH DAY OF MAY 2015/22ND VAISAKHA, 1937

WP(C).No. 13388 of 2015 (W)

PETITIONER :-

THE KERALA MALANADU AGRICULTURAL PRODUCERS CO OPERATIVE
SOCIETY LTD NO.F-1777,
THIRUVAMPADY POST, KOZHIKODE DISTRICT
REPRESENTED BY ITS SECRETARY, PRASANTH KUMAR.P.N.

BY ADV. SRI.O.V.MANIPRASAD

RESPONDENTS :-

1. THE REGIONAL PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANIZATION
SUB REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN
SUB REGIONAL OFFICE, POST BOX NO.1806
KOZHIKODE-673006.
2. THE ASSISTANT PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANIZATION
SUB REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN
POST BOX NO.1806, KOZHIKODE-673006.
3. THE ENFORCEMENT OFFICER,
EMPLOYEES PROVISIONS FUND ORGANIZATION
SUB REGIONAL OFFICER, REPRESENTED BY THE SECRETARY
BHAVISHYANIDHI BHAVAN, SUB REGIONAL OFFICE
POST BOX NO.1806, KOZHIKODE-673006.
4. THE KOZHIKODE DISTRICT CO-OPERATIVE BANK LTD,
CALICUT, REPRESENTED BY ITS GENERAL MANAGER-673006.
5. THE STATE OF KERALA, REPRESENTED BY THE SECRETARY
LABOUR AND REHABILITATION(L)DEPARTMENT
STATE GOVERNMENT, THIRUVANANTHAPURAM-695001.

R1-R3 BY SRI.THOMAS MATHEW NELLIMOOTTIL,SC, P.F.

R5 BY GOVERNMENT PLEADER SRI.A.MOHAMED SAVAD

R4 BY SRI.R.SUDHISH, SC, KOZHIKODE DIST.CO.OP. BANK, LTD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

jvt

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1 TRUE COPY OF THE NOTICE ISSUED TO THE PETITIONER DATED 01/12/99, BY THE REGIONAL PROVIDENT FUND COMMISSIONER.

EXT.P2 TRUE COPY OF THE OBJECTION SUBMITTED BY THE SECRETARY OF THE PETITIONER BEFORE THE REGIONAL PROVIDENT FUND COMMISSIONER DATED 31/1/2000.

EXT.P3 TRUE COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT DATED 14/3/2000.

EXT.P4 TRUE COPY OF THE ORDERS PASSED BY THE 1ST RESPONDENT DATED 11/04/2000.

EXT.P5 TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN O.P.14684/2000 DATED 01/3/2006.

EXT.P6 TRUE COPY OF THE SUMMONS ISSUED TO THE SECRETARY OF THE PETITIONER BY THE 2ND RESPONDENT DATED 16/05/2006.

EXT.P7 TRUE COPY OF THE STATEMENT FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 13/07/06.

EXT.P8 TRUE COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT DATED 26/09/06.

EXT.P9 TRUE COPY OF THE G.O. (MS) NO.44/2006/L & R DATED 19/06/06.

EXT.P10 TRUE COPY OF THE JUDGMENT IN W.P(C) 29790/2006 DATED 21/06/13.

EXT.P11 TRUE COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT DATED 25/11/2013.

EXT.P12 TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 26/12/2013.

EXT.P13 TRUE COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER DATED 17/01/2014.

EXT.P14 TRUE COPY OF THE COVERING LETTER ISSUED BY THE PETITIONER TO THE 3RD RESPONDENT DATED 21/01/2014.

EXT.P15 TRUE COPY OF THE COMMUNICATION ISSUED TO THE PETITIONER BY THE 2ND RESPONDENT DATED 04/02/2014.

EXT.P16 TRUE COPY OF THE COMMUNICATION ISSUED BY THE 2ND RESPONDENT TO THE KOZHIKODE DISTRICT CO-OPERATIVE BANK DATED 16/12/2014.

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EXT.P17 TRUE COPY OF THE MEMORANDUM OF APPEAL DATED 11/03/2015
SUBMITTED BY THE PETITIONER BEFORE THE EMPLOYEES PROVIDENT FUND
APPELLATE TRIBUNAL, NEW DELHI.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

A. MUHAMED MUSTAQUE, J.

W.P.(C) No.13388 of 2015

Dated this the 12th day of May 2015

J U D G M E N T

The petitioner approached this Court aggrieved by Ext.P16 communication issued by the Assistant PF Commissioner (Enforcement).

2. Considering the facts and circumstances, the following directions are issued :-

There shall be a direction to the Employees Provident Fund Appellate Tribunal to consider the delay petition filed by the petitioner within a period of three months from the date of receipt of a copy of this judgment. Till then, all coercive steps pursuant to Ext.P16 against the petitioner shall be kept in abeyance.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE