

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.30470 of 2014 &
M.P.No.1 of 2014

A.L.M.Matriculation
Higher Secondary School
Rep.by its Correspondent
Adbul Ghafoor

[PETITIONER]

Vs

1 The Commissioner
The Employees Provident Fund
Organisation
Regional Office , Royapettah,
Chennai-600014.

2 The Commissioner
Employees Provident Fund Organisation
Sub Regional Office
Sree Complex, Madurai Road,
Tiruchirappalli.

3 The Enforcement Officer
Cuddalore Division-I
No.22 Nethaji Road
Opp. Lena Medicals
Manjakuppam
Cuddalore 607 001.

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of certiorari to to call for the records pertaining to letter dated 26.9.2014 in No. TN/TRY/76680/ EO/ Dvn-1/7A(AD)/2014 of the third respondent from demanding the alleged arrears of Provident Fund contributions amount of Rs.79 983/- for the period from 6/2005 to 1/2008 from the petitioners School and quash the same.

For Petitioner : Mr.Suresh

For Respondents : Mr.K.Gunasekar

Sr. Central Govt. Standing Counsel

O R D E R

Heard Mr.Suresh, learned Counsel appearing for the petitioner, and Mr.K.Gunasekar, learned Senior Central Government Standing Counsel appearing for the respondents.

2.The petitioner seeks to quash the proceedings of the third respondent dated 26.09.2014, by contending that the petitioner has paid all the amounts as required to be paid by them under the provisions of Employees Provident Funds and Miscellaneous Provisions Act, 1952.

3.As rightly submitted by the learned Senior Central Government Standing Counsel appearing for the respondent Organisation, the impugned communication is not an order, but it is only a clarification letter and the third respondent has requested the co-operation of the petitioner. Therefore, the proper procedure for the petitioner is to appear before the third respondent, produce all the receipts for payment and clarify the dues. While doing so, the third respondent shall reckon whatever payments made by the petitioner.

4.In the light of the above, without setting aside the impugned proceedings, liberty is granted to the petitioner to appear before the third respondent with all records and proof of payment, which shall be considered by the third respondent, and thereafter, the third respondent is entitled to proceed in accordance with law.

The Writ Petition is disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

सत्यमेव जयते

//True Copy//

Sub Assistant Registrar

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To

1 The Commissioner
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Regional Office , Royapettah, Chennai-600014.

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Employees Provident Fund Organisation
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Tiruchirappalli.

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Cuddalore 607 001.

+1cc to Mr.Shivakumar, Advocate, S.R.No.67389

+1cc to Mr.K. Gunasekar, Advocate, S.R.No.67523

SK(CO)

EU(30/12/2015)

W.P. No.30470 of 2014



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