

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.11.2015

CORAM

he Hon'ble Mr.Justice T.S.Sivagnanam

WP.No.14296 of 2015 and
MP.Nos.1 & 2 of 2015

The Assistant PF Commissioner,
Sub-Regional Office,
Employees Provident Fund Organization,
S.J. Plaza, Swarnapuri,
Salem-636 004.

.. Petitioner

Versus

1.The Presiding Officer,
Employees Provident Fund Appellate Tribunal,
Scope Minar Core-II,
4th Floor, Lakshmi Nagar,
New Delhi-110 092.

2.M/s.Regional Institute of Rural Development,
Bhavani Sagar,
Erode-638 451.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari to call for the records relating to the proceedings of first respondent dated 18.11.2014 in ATA No.1085(13) 2014 and quash the order passed therein.

For Petitioner : Ms.Meenakshi

ORDER

The petitioner is the Assistant Provident Fund Commissioner, Sub Regional Office, Employees' Provident Fund Organization, and the challenge is to an order passed by the Appellate Authority under the Employees' Provident Fund Act, dated 18.11.2014.

2. The appellate authority/first respondent/Tribunal, while considering the correctness of the order, dated 07.10.2014, passed by the Assistant Provident Fund Commissioner (petitioner herein) under Section 14 B of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (hereinafter referred to as 'the Act') levying damages on the second respondent, exercised its discretion and allowed the

Appeal filed by the second respondent, and directed to remit the outstanding determined interest amount in 24 installments payable by 7th of January and the subsequent installments payable by the 7th day of every calendar month.

3. The learned Standing Counsel appearing for the petitioner/Organization elaborately referred to the factual matrix, and submitted that damages imposable under Section 14 B of the said Act, includes punitive damages and the damages has been rightly quantified, and the Appellate Authority ought not to have interfered with such order. Further, it is submitted that the second respondent defaulted in payment of installments, as directed by the Appellate Authority.

4. In my view, the Appellate Authority has examined the matter wholly, and exercised discretion and granted certain reliefs to the second respondent, and this Court, while exercising its power conferred under Article 226 of the Constitution of India, will not act as the second Appellate Authority to examine as to whether the partial relief granted to the second respondent was justified or not, in the absence of any other illegality or irregularity in the order passed by the first respondent/Appellate Authority. Thus, this Court is not inclined to substitute its reasons for the findings recorded by the first respondent in the impugned proceedings. Accordingly, the Writ Petition fails, and it is dismissed. However, if the second respondent fail to comply with the direction issued by the first respondent/Tribunal, wherein, installments were directed to be paid on 7 th day of every calendar month, it is open to the petitioner to take action in accordance with the provisions of the aforesaid Act.

With the above observations, the Writ Petition is dismissed, as stated above.

सत्यमेव जयते
-s/d-

Assistant Registrar

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Sub-Assistant Registrar

sd/ds

To

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+1 cc to Ms.Meenakshi Advocate sr.59710

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