

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.33164 of 2014 &

M.P.No.1 of 2014

Annai Theresa Arts & Science College
Rep by its President V.Tamilmani
Mangalam
Thirukazhukundran 603 109

.. Petitioner

v.

1.The Assistant Provident Fund Commissioner (PDC)
Employees Provident Fund Organisation
(Ministry of Labour, Government of India)
Regional Office, Tambaram
3, Rajaji Salai
Chennai 600 045.

2.The Presiding Officer
EPF Appellate Tribunal
New Delhi.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus forbearing the first respondent from initiating recovery proceedings against the petitioner in terms of the 1st respondent dated 19.11.2014 in proceeding No.TN/RO/TBM/62908/Gr.51/PDC/2014 till the petitioner's appeal is taken up for hearing before the 2nd respondent.

For Petitioner : Mr.S.Ravindran

For Respondents : Mr.K.Ramu, Standing Counsel for EPF[R1]
Tribunal - R2

ORDER

Heard Mr.S.Ravindran, learned counsel appearing for the petitioner and Mr.K.Ramu learned Standing Counsel appearing for the first respondent.

2. The petitioner has filed the above writ petition to issue a writ of mandamus forbearing the first respondent from initiating recovery proceedings against the petitioner in terms of the first respondent's proceedings dated 19.11.2014, till the petitioner's appeal is taken up for hearing before the second respondent.

3. By the impugned proceedings dated 19.11.2014, the first respondent demanded a sum of Rs.39,14,920/- towards damages, which is under challenge in this writ petition by the petitioner. In paragraph 6 of the affidavit filed in support of the petition, the

petitioner has stated that the Presiding Officer of the second respondent has retired on 28.11.2014 and that it would take quite some time for appointment of a new Presiding Officer. Apprehending that the first respondent would initiate recovery proceedings and claim amount from the petitioner's College, the petitioner has filed the writ petition.

4. The writ petition has been filed by the petitioner only for the reason that there is no Presiding Officer in the EPF Appellate Tribunal, New Delhi. In these circumstances, I am of the view that the impugned proceedings dated 19.11.2014 can be kept in abeyance till the Presiding Officer is appointed and the petitioner files the appeal before the second respondent-Tribunal, however on terms. Accordingly, the impugned proceedings dated 19.11.2014 is kept in abeyance, on condition the petitioner depositing a sum of Rs.15,00,000/- [Rupees fifteen lakhs only] before the first respondent within four weeks from the date of receipt of a copy of this order and on such deposit being made by the petitioner, the respondent shall not initiate recovery proceedings in terms of the first respondent's order dated 19.11.2014. However, it is made clear that the order passed in this writ petition shall be in force till the second respondent-Appellate Tribunal is constituted. At the time of filing of the appeal, the second respondent Tribunal shall take into consideration the amount to be deposited by the petitioner.

With this observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

Dated:23.2.15

True Copy

Sub Assistant Registrar

To

1.The Assistant Provident Fund Commissioner (PDC)
Employees Provident Fund Organisation
(Ministry of Labour, Government of India)
Regional Office, Tambaram
3, Rajaji Salai
Chennai 600 045.

2.The Presiding Officer
EPF Appellate Tribunal
New Delhi.

+1 cc to Mr.K.Ramu, Advocate,SR.8462

+1 cc to Mr.S.Ravindran, Advocate,SR.9048.

jp(co)
<https://hcservices.ecourts.gov.in/hcservices/>
KID 25/2

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