

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 03.06.2015

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No.15650 of 2015

K.M.Raja

...Petitioner

- Vs -

Employees Provident Fund Organization,
Sub Regional Office,
Phase III Vallar Nagar,
Sathuvachari,
Vellore District - 632 009,
Tamil Nadu.

... Respondent

Prayer : Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to consider petitioner representation dated 01.10.2012 and pass appropriate orders for collection of provident fund for the management of M/s.Kizaria Leather for the period from 26.5.1991 till 31.8.1998.

For Petitioner : Mr.R.Ramesh

For Respondents . : Mr.J.Sathyanarayana Prasad

ORDER

By consent of both parties, the Writ Petition is taken up for final disposal.

2.The petitioner would submit that he was working in the tannery of M/s.Khizaria Leathers from 1983 as Spray Operator and during the year 1991, the management converted its concern from proprietary to partnership. An option was given to the workman to submit their resignation in order to facilitate settlement of accounts. However, the petitioner did not resign and filed a petition in Sec.33A of the Industrial Disputes Act, 1947, before the Industrial Tribunal, Chennai, which was taken on file in C.P.No.13 of 1991. The Industrial Tribunal passed an award on 27.05.1994, ordering reinstatement of the petitioner with backwages and other attendant benefits.

3.The management, challenging the award passed by the industrial tribunal has filed a writ petition in W.P.No.11759 of 1995. During

the pendency of the writ petition, certain sum of money was paid. The grievance expressed by the petitioner is that the management did not contribute towards provident fund from 1991-1998 and had contributed from 1999 till 2008.

4. The petitioner in this regard, submitted a representation dated 01.10.2012 to the respondents requesting them to collect the same and pay it with interest. Since he has not been favoured with any response, he has come forward with writ petition.

5. Heard Mr.R.Ramesh, learned counsel appearing for the petitioner and Mr.J.Sathyanarayana Prasad, who accepts notice on behalf of the respondents.

6. This Court, in the light of the above facts and circumstances, permits the petitioner to submit one more representation to the respondent by enclosing a copy of the earlier representation dated 01.10.2012 within a period of two weeks from the date of receipt of a copy of this order and the respondent on receipt of the same is directed to pass orders in accordance with law, putting the concerned persons on notice within a period of 12 weeks, thereafter and communicate the decision taken, to the petitioner as well as to the persons concerned.

7.The Writ Petition is disposed of accordingly. No Costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

Employees Provident Fund Organization,
Sub Regional Office,
Phase III Vallar Nagar,
Sathuvachari,
Vellore District - 632 009,
Tamil Nadu

+1 cc to Mr.J.Sathyanarayana prasad, Advocate, SR.26554.

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