

IN THE HIGH COURT OF JUDICATURE AT MADRAS

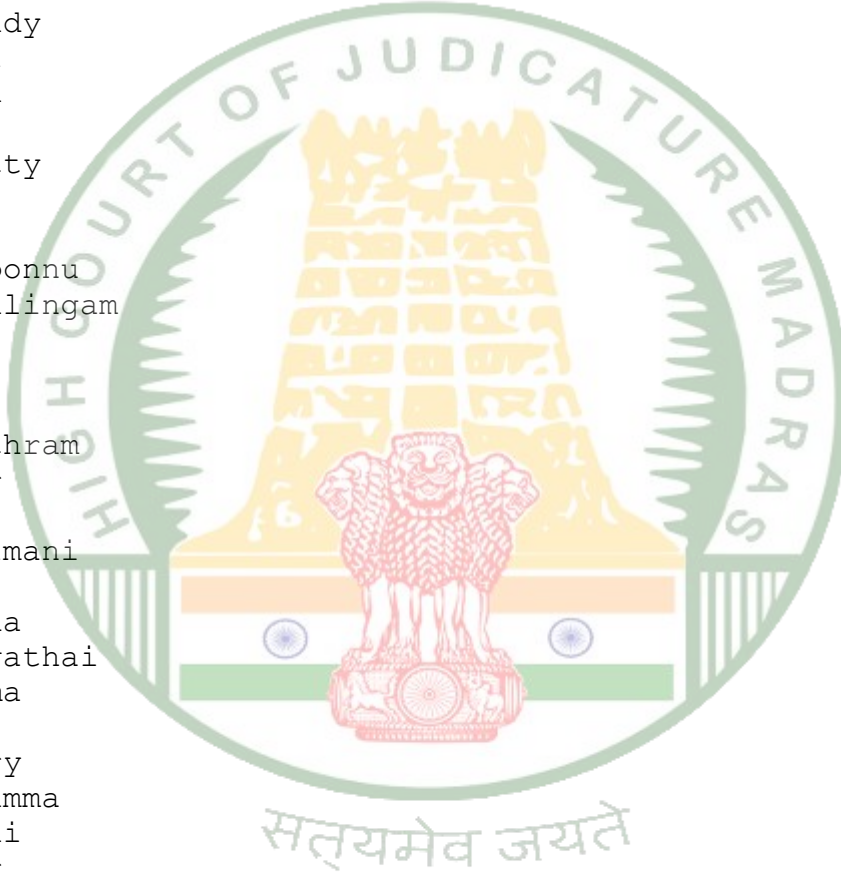
DATED : 24.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.37312 of 2015

- 1.Palaniappan
- 2.Sundhari
- 3.Elayapandy
- 4.Savithri
- 5.Kutappan
- 6.Kamalam
- 7.Veerakutty
- 8.Kali
- 9.Perumal
- 10.Chinnaponnu
- 11.Sangaralingam
- 12.Saroja
- 13.Nallu
- 14.Balraj
- 15.R.Samuthram
- 16.M.Ramar
- 17.Jeya
- 18.K.Jothimani
- 19.Balan
- 20.Vasantha
- 21.Shanmugathai
- 22.Kunjamma
- 23.N.Raju
- 24.Jeyamary
- 25.Krishnamma
- 26.Annathai
- 27.R.Ramar
- 28.R.Mariammal
- 29.O.Karuppasamy
- 30.C.Anthonysamy
- 31.Muniyaandi



WEB COPY

... Petitioners

Vs.

1. The Commissioner
The Regional Provident Fund Officer
Bhavisya Nidhi Bhavan,
Dr.Balasundaram Road, Coimbatore.

2. The Manager
Alen Farm Emerald Valley Estate
Emerald Post, The Nilgiris 643209.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 1st respondent to recover the default/due of Provident Fund of petitioners with damage and interest by due process of law from the 2nd respondent by disposing of the representations given by the petitioners dated 25.03.2015 as expeditiously as possible.

For Petitioners : Mr.P.V.selvarajan
for Mr.R.Aranganathan

For Respondents : Mr.K.Gunasekar, SCGSC for R1

ORDER

Heard the learned counsel for the petitioners ; Mr.K.Gunasekar, learned Senior Central Government Standing Counsel accepting notice on behalf of the 1st respondent and with their consent, the main writ petition is taken up for final disposal. Since the writ petition is disposed of at the admission stage, notice to the 2nd respondent is dispensed with.

2. The petitioners have filed this writ petition seeking for issuance of a writ of mandamus directing the 1st respondent to recover the default/due of Provident Fund of petitioners with damage and interest by due process of law from the 2nd respondent by dispose the representations given by the petitioners dated 25.03.2015.

3. The petitioners are said to be the employees of the 2nd respondent/Company and they have submitted a representation to the 1st respondent to recover the dues payable by the Management towards their Provident Fund. According to the petitioners, the 1st respondent has not initiated any action on their representation dated 25.03.2015. In terms of the provisions of

the Employees Provident Fund and Miscellaneous Provisions Act, 1952, there is a duty cast upon the Management to pay the Provident Fund and in the event of a default, the 1st respondent is statutorily bound to take appropriate action. However, since the writ petition is disposed of at the admission stage, without notice to the 2nd respondent, the merits of the allegations made by the petitioner as against the 2nd respondent are not gone into and left open to be decided by the 1st respondent, who is the competent authority.

4. In the light of the above, the writ petition is disposed of by directing the 1st respondent to consider the petitioners representation dated 25.03.2015 on merits and in accordance with law, after hearing the petitioners or their authorised representative as well as the 2nd respondent / Management and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

5 The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Commissioner
The Regional Provident Fund Officer
Bhavisya Nidhi Bhavan,
Dr.Balasundaram Road, Coimbatore.

+1cc to Mr.K.Gunasekar, Advocate, S.R.No.63764

+2cc's to Mr.R.Aranganathan, Advocate, S.R.No.63841

W.P.No.37312 of 2015

RSI (CO)
CA(10/12/2015)