

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2015

CORAM

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.38796 of 2015 &
M.P.No.1 of 2015

M/s.Swadeshee - Bharathee
TEXTILE Mills Ltd. Represented by its
General Manager

[PETITIONER]

Vs

1 The Enforcement Officer
Employees Provident Fund Organisation
No.101, 100 Feet Road,
Puducherry-04.

2 The Superintendent of Police
Mudaliarpet Police Station
Mudaliarpet, Puducherry.

[RESPONDENTS]

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified , to call for the records of the 1st Respondent in his proceedings in Certificate No.TBM/PDY/EO/DRP/PC 02/406 409/2015 dated 19.11.2015 and quash the same.

For Petitioner .. Mr.R.Udhayakumar

For Respondents .. Mr.Tamilvanan
Govt.Advocate (Puducherry)

O R D E R

With the consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.R.Udhayakumar, learned Counsel appearing for the petitioners and Mr.Tamilvanan, learned Government Advocate (Puducherry) who accepted notice on behalf of the respondents.

3.The petitioner is a Public Sector Undertaking and they are aggrieved by the impugned proceedings by which the first respondent has addressed the second respondent to initiate prosecution against the petitioner Mill for non-payment of dues to the Employees Provident Fund Organisation.

4. It is seen that the petitioner has filed W.P.Nos. 5201, 5202 & 5203 of 2015, challenging the attachment orders made against the petitioner Company and as against the show cause notice for arrest issued against the General Manager and Managing Director of the petitioner Company. It is stated by the learned counsel for the petitioner that there is an order of interim stay in those writ petitions. However, the petitioner has not enclosed the copy of the stay order in the typed set of papers in this writ petition.

5. Be that as it may, since the issue regarding the liability or otherwise is the subject matter of challenge in the three writ petitions already filed by the petitioner, it would not be proper for the first respondent to simultaneously initiate prosecution at this juncture.

6. Under such circumstances, till the disposal of the three writ petitions, referred above, the impugned proceedings shall be kept in abeyance. The Writ Petition is disposed of accordingly. No costs. Consequently connected Miscellaneous Petition is closed.
Rpa

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1. The Enforcement Officer,
Employees Provident Fund Organization,
NO.101, 100 Feet Road,
Puducherry - 04

2. The Superintendent of Police,
Mudaliarpur Police Station,
Mudaliarpur, Puducherry

+1 C.C. To MR.R.Udhayakumar, Advocate in SR.NO.66518

W.P.No.38796 of 2015

RSK(CO)
sd : 29/12/2015