

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30-04-2015

CORAM

THE HON'BLE THIRU JUSTICE M. DURAISWAMY

W.P.No.9250 of 2015  
and M.P.Nos.1 and 2 of 2015

M/s Meridian Apparels Ltd,  
rep by its Manage – HR & Administration,  
M. Saravanakumar,  
8/626, AVP Lay Out,  
Angeripalayam,  
Tirupur-641 603

..... Petitioner

vs

1. EPF Appellate Tribunal,  
New Delhi
2. Assistant Provident Fund Commissioner,  
Employees' Provident Fund Organisation,  
Dr. Balasundaram Road,  
Coimbatore – 641 018
3. The Branch Manager,  
Union Bank of India,  
PN Road Branch,  
Tirupur – 641 602

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus forbearing the second respondent from proceeding with the

recovery proceedings initiated by him in terms of order dated 16.03.2015 in proceedings No.TN/RO-CBE / PDC / CC23 / 35597/8F/2015 during the pendency of ATA No.18(3) of 2015 before the first respondent.

For petitioner : Mr.S. Ravindran

For 2<sup>nd</sup> respondent: Mr.V. Vibhishanan

### ORDER

Heard Mr.S. Ravindran, learned counsel appearing for the petitioner and Mr.V. Vibhishanan, learned Standing counsel for the second respondent.

2. By consent of both the counsel, the main writ petition is taken up for final hearing at the admission stage itself.

3. The petitioner Company has filed the above writ petition to issue a Writ of Mandamus forbearing the second respondent from taking any recovery proceeding initiated by him in terms of order dated 16.03.2015 in proceedings No.TN/RO-CBE / PDC / CC23 / 35597/8F/2015 during the pendency of ATA No.18(3) of 2015 before the first respondent.

4. Since there is no Presiding Officer in the first respondent Tribunal, the petitioner Company has filed the writ petition before this Court.

5. The learned counsel for the petitioner submitted that till the first respondent takes up the appeal, filed by the petitioner, in ATA No. 18(3) of 2015 and the stay petition, filed by the petitioner Company, the second respondent may be restrained from taking any steps for recovery of the proceedings in terms of the order dated 16.3.2015.

6. In similar circumstances, this Court, in W.P.No.35006 of 2014 dated 4.2.2015, directed the second respondent not to take any recovery proceedings in terms of the impugned order, till the stay petition, filed by the petitioner, in the appeal before the first respondent, is taken up for hearing.

7. Mr.V. Vibhishanan, learned Standing Counsel, appearing for the second respondent, fairly submitted that the order passed in W.P.No.35006 of 2014 may be followed in this

writ petition also and the writ petition may be disposed of on the same lines.

8. Having regard to the submissions made by the learned counsel on either side, I direct the second respondent not to take any recovery proceedings in terms of the impugned order dated 16.03.2015 in proceedings No.No.TN/RO-CBE / PDC / CC23 / 35597/8F/2015, till the stay petition, filed by the petitioner, in the appeal in ATA No.18(3) of 2015 is taken up for hearing by the first respondent.

9. With the above observation, the writ petition is disposed of. No costs. Consequently, connected MPs are closed.

30-03-2015

sr

Index:no  
website:yes

Note: Issue order copy today

To

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**M. DURAISWAMY,J.,**

sr

W.P.No.9250 of 2015

30-03-2015