

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 1-04-2015

CORAM

THE HON'BLE THIRU JUSTICE M. DURAISWAMY

W.P.No.9873 of 2015

and

M.P.No.1 of 2015

M/s Skygourmet Catering (P) Ltd,
Old No.16, New No.2, Thiruneermalai Road,
Chrompet, Chennai - 600 044
represented by its Manager -HR
M.Arun

...Petitioner

vs

1. The Presiding Officer,
The Employee'Provident Funds Appellate Tribunal,
Scope Complex, Preet Vihar,
New Delhi
2. The Assistant Provident Fund Commissioner (C&R),
Employees'Provident Fund Organisation,
Ministry of Labour & Employment,
Government of India,
Regional Office: Tambaram
3, Rajaji Salai,
Chennai-600 045.

...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 initiating any recovery proceedings in terms of its order No.TB/TAM/RO/ENF/T-4/61655/2014 dated 28.11.2014, till the appeal of the petitioner in ATA Receipt Slip No.238/2015, pending before the first respondent is taken up for hearing.

For petitioner : Mr.S. Ravindran for Mr.S.Umapathy
For 2nd respondent : Mr.J. Sathyanarayana Prasad
CGSC

ORDER

Heard Mr.S. Ravindran, learned counsel appearing for the petitioner and Mr.J. Sathyanarayana Prasad, 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 initiating any recovery proceedings in terms of its order No.TB/TAM/RO/ENF/T-4/61655/2014 dated 28.11.2014, till the appeal, preferred by the petitioner in ATA Receipt Slip No.238/2015, pending before the first respondent is taken up for hearing.

4. It is the case of the petitioner that the petitioner Company have challenged the order dated 28.11.2014, claiming contribution on conveyance allowance of Rs.7,14,559/-, before the first respondent, by way of an appeal on 5.2.2015. However, the appeal, preferred by the petitioner, has not yet been numbered by the first respondent.

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

6. Mr.J. Sathyanarayana Prasad, learned counsel appearing for the second respondent fairly submitted that there is no Presiding Officer in the first respondent Tribunal.

7. That apart, the learned counsel for the petitioner submitted that 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.

8. Mr.J. Sathyanarayana Prasad, 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.

9. Having regard to the submissions made by the learned counsel on either side and since there is no Presiding Officer in the first respondent Tribunal, I direct the second respondent not to take any recovery proceedings in terms of the impugned order dated No.TB/TAM/RO/ENF/T-4/61655/2014 dated 28.11.2014 till the stay petition, filed by the petitioner, in the appeal in ATA Receipt Slip No.238/2015 is taken up for hearing by the first respondent.

10. With the above observation, the writ petition is disposed of. No costs. Consequently, connected MP is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

sr

To

1. The Presiding Officer,
The Employee'Provident Funds Appellate Tribunal,
Scope Complex, Preet Vihar, New Delhi
2. The Assistant Provident Fund Commissioner (C&R),
Employees'Provident Fund Organisation,
Ministry of Labour & Employment,
Government of India, Regional Office: Tambaram
3, Rajaji Salai, Chennai-600 045

1 CC to Mr.J.Sathya Narayana Prasad, Advocate SR.No. 18527

W.P.No.9873 of 2015

RV (CO)

PSI (01.04.2015)