



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 2.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE S. MANIKUMAR

and

THE HONOURABLE MR. JUSTICE G. CHOCKALINGAM

W.A. (MD) No. 326 of 2015

and

M.P. (MD) No. 1 of 2015

NN 296, Alagamanagari Primary
Agricultural Co-operative Bank,
Now called as NN296, Alagamanagari Primary
Agricultural Co-operative Credit Society
through its Secretary, Alagamanagari Post,
Manamadurai Taluk,
Sivaganga District.

... Appellant / Petitioner

Vs.

1. The Assistant Provident Fund Commissioner,
Employees Provident Fund Regional Office,
Lady Doak College Road,
Chokkikulam, Madurai-5.

2. The Recovery Officer / The Assistant Commissioner,
Employees Provident Fund Regional Office,
Lady Doak College Road,
Chokkikulam, Madurai-5.

... Respondents / Respondents

PRAYER: The Writ Appeal is filed under Clause 15 of the Letters Patent Act, to against the order passed by this Court, dated 17.03.2015 in M.P.No.2 of 2015 in W.P.No.3618 of 2015

Prayer in MP.(MD).No.2 of 2015 in WP(MD). 326/ 2015 :

Petition praying that in the circumstances stated therein and in the affidavit files therewith the High court will be pleased to grant interim stay against the impugned attachment proceedings order of made by the 2nd respondent in TN/MDU/41611/PDC/circle 8/8F/2015 dated 11.2.2015.

Prayer in WP(MD). 3618/ 2015 :

Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari or any other appropriate writ order or direction to call for the records on the file of 2nd respondent Impugned attachment proceedings Order made TN/MDU/41611/PDC/Circle 8/8F/2015 dated 25.2.2015 and to quash and pass other and further reliefs as this Honourable High court.

For Petitioner : Mr.C.G.Pethanaraj

JUDGMENT

(Order of this Court was made by S.MANIKUMAR, J.)

Writ Petition has been filed against the order made in TN/MDU/41611/PDC/Circle B/BF/2015, dated 11.2.2015, by which, the Assistant Provident Fund Commissioner, Employees Provident Fund Regional Office, Madurai, has directed the petitioner to pay a sum of Rs.6,35,698/-, towards the amount in default of Provident Fund Damages /



Interest, payable under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

2. Considering M.P.(MD)No.2 of 2015, for stay, the learned Single Judge, while ordering Notice of Motion returnable by eight weeks, has granted interim stay of the above said proceedings, subject to the condition that the petitioner shall deposit a sum of Rs.3,50,000/-, to the credit of the first respondent, within a period of six weeks, from the date of passing the order in M.P.(MD)No.2 of 2015, dated 17.03.2015. The condition imposed in the interim order is challenged in the present appeal.

3. Though Mr.C.G.Pethanaraj, learned counsel for the appellant reiterated the grounds of challenge, considering the beneficial to the Workmen and the statutory obligation, to deposit the amount, within the prescribed period, provided, therefor, we are not inclined to interfere with the impugned order under challenge.

4. In the result, the Writ Appeal is dismissed. Time is extended by six weeks, from today, to deposit the amount. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

The Assistant Registrar(AS)

/True copy/

Sub-Assistant Registrar

To

1.The Assistant Provident Fund Commissioner,
Employees Provident Fund Regional Office,
Lady Doak College Road,
Chokkikulam, Madurai-5.

2.The Recovery Officer / The Assistant Commissioner,
Employees Provident Fund Regional Office,
Lady Doak College Road,
Chokkikulam, Madurai-5.

+1cc to M/s.R.Saravanan, Advocate SR.No.26809

mpk

sm:16.06.2015:2P/4C

W.A. (MD) No.326 of 2015
2.06.2015