

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.12366 OF 2016
AND WMP NO.10698 OF 2016

M/s.Amarambedu Munuswamy Mudaliar
Matriculation School
Rep. By its President
No.375, Mint Street, Sowcarpet,
Chennai - 600 079. .. Petitioner

Versus

The Assistant P.F. Commissioner (C&R)
Employees Provident Fund Organisation
Regional Office
No.37, Royapettah High Road,
Chennai - 600 014. .. Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records in the order passed by the respondent in Letter No.CC/TN/83842/7B/Enf/Regl/2016 dated 03.02.2016 and the consequential order in Letter No.TN/CHN/CC-I/12/TN/83842/Enf/2016 dated 01.03.2016 and quash the same as arbitrary, illegal and unjustifiable and further direct the respondent to decide the review application filed by the petitioner on 05.01.2016 on merits after giving due opportunity for hearing to the petitioner.

For Petitioner : Mr.N.Baskaran
For Respondent : Mr.K.Ramu

O R D E R

Heard Mr.N.Baskaran, learned counsel appearing for the petitioner and Mr.K.Ramu, learned Standing Counsel, who accepts notice for the respondent.

2.By consent, the writ petition is taken up for final disposal at the admission stage itself.

3.This writ petition has been filed by the petitioner challenging the order passed by the respondent rejecting the petitioner's review petition filed under Section 7-B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, as being time barred, as filed beyond the period of 45 days.

4.The order passed under Section 7-A of the Act is dated 19.11.2015, which was not initially communicated to the petitioner, but communicated along with the covering letter dated 20.11.2015. The learned counsel for the petitioner has produced the original postal cover, which shows that the above orders were received by the petitioner on 26.11.2015. Therefore, if this date is reckoned, the review petition filed by the petitioner on 05.01.2016 is well within the limitation period.

5.Accordingly, this writ petition is allowed and the impugned orders are quashed and the respondent is directed to consider the review petition filed by the petitioner on 05.01.2016 and pass orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

TK

To

The Assistant P.F. Commissioner (C&R)
Employees Provident Fund Organisation
Regional Office
No.37, Royapettah High Road,
Chennai - 600 014.

+1cc to Mr.N. Baskaran, Advocate, S.R.No.20636

GJ(CO)
EU(20/04/2016)

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