

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.37969 of 2015
and
MP.No.1 of 2015

M/s.Sangeetha Traders
Rep. by its Partner
Shri Santhosh Kumar Lath
B-10, 305, T.T.K. Road,
Alwarpet,
Chennai - 600 018.

... Petitioner

Vs

1. Manoranjan Patanaik
3/9, C.S.I. Church Street,
Jayanagar, Porur,
Chennai - 600 116.

2. Assistant Provident Fund Commissioner (C&R)
Regional Office,
37, Royapettah High Road,
Chennai - 600 014.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records on the file of the 2nd respondent relating to the proceedings in Fie.No.CHN/TN/48055/CC-1/19/Enf/2015 dated 06.11.2015 and to quash the same.

For Petitioner : Mr.T.Saikrishnan

For Respondent 1 : Mr.S.P.Srinivasan

For Respondent 2 : Mr.A.P.Suryaprakasam

ORDER

Heard Mr.T.Saikrishnan, learned counsel appearing for the petitioner; Mr.S.P.Srinivasan, learned counsel appearing for the first respondent and Mr.A.P.Suryaprakasam, learned counsel appearing for the second respondent.

2. The petitioner is a Management, representing by its Managing Partner, in which the first respondent was employed. There appears to have been certain proceedings initiated against the first respondent and he was removed from service, which was questioned by the first respondent before the Appellate Authority under the Tamil Nadu Shops and Establishments Act, 1947. The said proceedings ended in favour of the first respondent herein and challenging the same the petitioner-Management has filed the Writ Petition in W.P.No.17814 of 2010. The said Writ Petition was disposed of by this Court by an order dated 05.12.2014. Pursuant thereto, the petitioner-Management has forwarded the relevant forms relating to the first respondent's Provident Fund claim to the Office of the Assistant Provident Fund Commissioner (C & R), the second respondent herein. Now, the second respondent has issued the impugned proceedings calling upon the petitioner-Management to appear and furnish certain clarifications. This is sought to be resisted by the petitioner-Management by filing this Writ Petition.

3. The only contention raised by the petitioner-Management is that the employee/first respondent has entered into a settlement and that being recorded by this Court in W.P.No.17814 of 2010, there is nothing more to be clarified.

4. As rightly pointed out by the learned counsel for the first respondent, the settlement arrived at was between the petitioner and the first respondent and the Provident Fund Authority was not a party to the settlement nor a party to the earlier Writ Petition filed by the petitioner. Therefore, if there is any clarification required by the second respondent, it is well open to the second respondent to call upon the petitioner-Management as well as the employee to appear and furnish necessary details. Therefore, on the grounds raised by the petitioner, the impugned order proceedings cannot be quashed. Accordingly, the Writ Petition fails and is dismissed. The petitioner is directed to appear in person before the second respondent or through their authorised representative to clarify

the details sought for. Thereafter, the second respondent shall afford an opportunity to the first respondent also and take a final decision in the matter as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ds/dn

To:

The Assistant Provident Fund Commissioner (C&R)
Regional Office,
37, Royapettah High Road,
Chennai - 600 014.

+2cc's to Mr.S.P.Srinivasan, Advocate, S.R.No.3042
+1cc to Mr.A.P.Suryaprakasam, Advocate, S.R.No.2603
+1cc to Mr.Natarajan, Advocate, S.R.No.2582

W.P.No.37969 of 2015

MG(CO)
CA(28/01/2016)

सत्यमेव जयते

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