

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 24.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.6716 of 2016
and
WMP Nos.5980 and 5981 of 2016

M/s.Vijay Plas Fabs (P) Ltd.,
Plot No.B-65 (A),
Sipcot Industrial Complex,
Gummudipoondi,
Thiruvallur District, rep. by its
Director. ... Petitioner

Versus

The Regional Provident Fund
Commissioner - II,
Sub-Regional Office,
R-40, A-1, III Floor,
TNHB Office cum Shopping Complex,
Mugappair East, Chennai - 600 037. ... Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of certiorari, calling for the records of the respondent made in proceedings No.TN/SRO/AMB/39335/PDC/A2007 /2014 dated 17.12.2014 and quash the same.

For Petitioner : Mr.S.Kalimuthu

For Respondent : Mr.A.P.Suryaprakasam

O R D E R

Heard Mr.S.Kalimuthu, learned counsel for the petitioner, and Mr.A.P.Suryaprakasam, learned standing counsel, after accepting notice for the respondent. By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. The petitioner management is aggrieved by a proceedings of the respondent under Section 14-B of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 dated 17.12.2014.

3. Admittedly, the petitioner has an alternate remedy under the provisions of the Act, which he has not exhausted.

It appears that the period of limitation is already over for filing an appeal. The petitioner's case is that the respondent totally relying upon the calculation, without even providing the list of employees, the period for non payment of contribution etc., proceeded to pass the impugned order in violation of the principles of natural justice. However, this Court is not inclined to exercise its discretion in the matter. Since, the petitioner has belatedly approached this Court, that apart, he has not availed the alternate remedy available under the Act. Therefore, the impugned proceedings cannot be quashed, at this stage of the matter. Hence, the Writ Petition is dismissed. However, since the petitioner appears to have raised certain factual discrepancies, liberty is granted to the petitioner to approach the respondent authority by way of representation, which shall be considered on merits and in accordance with law, within a period of three weeks from the date of receipt of the representation. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

ars

To

The Regional Provident Fund Commissioner - II,
Sub-Regional Office,
R-40, A-1, III Floor,
TNHB Office cum Shopping Complex,
Mugappair East, Chennai - 600 037.

+ 1 cc to Mr.Kalimuthu, Advocate Sr.11838

WEB COPY

W.P.No.6716 of 2016
and WMP No.5980 of 2016

MG(CO)
Eu 08.03.16