



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2016

CORAM:

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

W.A.(MD).Nos. 343 and 344 of 2015

M/s.Kaleeswarar Mills "B"Unit
(A Unit of NTC Limited)
Represented by its General Manager,
Thondi Road, Kalayarkoil
Sivagangai District

:Petitioner/Appellant
in W.A.No.343/2015

M/s.Pioneer Spinners
(A Unit of NTC Limited)
Represented by its General Manager,
L.Murugan
Kamuthakudi
Paramakudi
Ramanathapuram District

: Petitioner/Appellant in
W.A.No.344/2015

Vs.

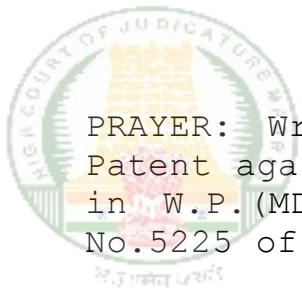
1.The Regional Provident Fund Commissioner - II
Employees' Provident Fund Organisation,
No.1 Lady Doak College Road,
Chokkikulam, Madurai.

2.The Recovery Officer,
Employees Provident Fund Organisation,
No.1. Lady Doak College Road,
Chokkikulam, Madurai.

3.The Chief Provident Fund Commissioner
Bhavishya Nidhi Bhavan,
No.14 Bhikaji, Cama Place,
New Delhi.

4.The Director (Recovery)
Employees' Provident Fund Organisation,
Bhavishya Nidhi Bhavan,
No.14 Bhikaji, Cama Place,

: Respondents/Respondents
in both appeals.



PRAYER: Writ Appeals are filed under Clause 15 of the Letters Patent against the Order dated 09.04.2015 made in M.P.No.2 of 2015 in W.P.(MD).No.5224 of 2015 and MP.NO. 2 of 2015 in WP.(MD).No.5225 of 2015 on the file of this Court.

Prayer in WP(MD). 5224/ 2015 : (WA.No.343/15)

Writ Petition is filed under Article 226 of the Constitution of India, may be pleased to issue a Writ of Certiorari, to call for the records in connection with the Impugned Order passed by the 4th respondent vide proceedings ref. No. RRC/40 (3) 07/NTC dated 20.03.2015 and the consequential order passed by the 1st respondent vide Proceedings ref. TN/MDU/RRO/RECY/5648/2015 dated 26.03.2015, quash the same.

Prayer in MP(MD). 2/ 2015 in WP(MD).5224/2015: (WA.No.343/15)

To grant stay of operation of the Impugned Order passed by the 4th respondent vide proceedings ref. No. RRC/40 (3) 07/NTC dated 20.03.2015 and the consequential order passed by the 1st respondent vide Proceedings ref TN/MDU/RO/RECY/5648/2015 dated 26.03.2015 pending disposal of the above WP.

Prayer in WP(MD). 5225/ 2015 : (WA.NO.344/15)

Writ Petition is filed under Article 226 of the Constitution of India, may be pleased to issue a Writ of Certiorari, calling for the records in connection with the Impugned Order passed by the 4th respondent vide proceedings ref. No. RRC/40 (3) 07/NTC dated 20.03.2015 and the consequential order passed by the 1st respondent vide Proceedings ref. TN/MDU/RO/RECY/7707/2015 dated 26.03.2015, quash the same.

Prayer in MP(MD). 2/ 2015 in WP(MD).5225/2015 : (WA.NO.344/15)

To grant stay of operation of the Impugned Order passed by the 4th respondent vide proceedings ref. No. RRC/40 (3) 07/NTC dated 20.03.2015 and the consequential order passed by the 1st respondent vide Proceedings ref TN/MDU/RO/RECY/7707/2015 dated 26.03.2015 pending disposal of the above WP.

For Appellants : Mr.Niranjan S.Kumar
For Respondents : Mr.V.S.V.Venkateswaran
for R1 to R4

COMMON JUDGMENT

[Judgment of the Court was delivered by
The Hon'ble The Chief Justice]

A discretionary order, passed by the learned single Judge directing 15% of the damages to be deposited within 8 weeks as a condition for stay, is sought to be assailed in the present appeals.



2. On hearing the learned counsel for the parties, we are of the view that the discretionary order cannot be said to be oppressive, in any manner, which would call for interference by us. However, since the interim stay was operating, we grant eight weeks time from today to comply with the impugned order.

3. The writ appeals are dismissed with the aforesaid direction. No costs. Consequently connected Miscellaneous Petitions in M.P.Nos.1 and 1 of 2015 are closed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

1. The Regional Provident Fund Commissioner - II

Employees' Provident Fund Organisation,
No.1 Lady Doak College Road,
Chokkikulam, Madurai.

2. The Recovery Officer,

Employees Provident Fund Organisation,
No.1. Lady Doak College Road,
Chokkikulam, Madurai.

3. The Chief Provident Fund Commissioner

Bhavishya Nidhi Bhavan,
No.14 Bhikaji, Cama Place,
New Delhi.

4. The Director (Recovery)

Employees' Provident Fund Organisation,
Bhavishya Nidhi Bhavan,
No.14 Bhikaji, Cama Place,
New Delhi.

+2cc to M/s.V.S.V.Venkateshwaran, Advocate SR.No.74988, 74987

+2cc to Mr.V.Balaji, Advocate SR.No.74906,74905

RR

sm:PV:28/12/2016:3P/9C

JUDGMENT MADE IN
W.A(MD) Nos.343 and 344 of 2015
and M.P.Nos.1 and 1 of 2015

Dated:

01.12.2016