



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2016

CORAM:

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**THE HONOURABLE MR.JUSTICE S.MANIKUMAR**  
**and**  
**THE HONOURABLE MR. JUSTICE C.T.SELVAM**

W.A. (MD) No.441 of 2016

and

CMP. (MD) No.3128 of 2016

in

W.P. (MD) No.9705 of 2007

Tamil Nadu State Marketing Corporation  
Limited,

Virudhunagar District,  
Rep. by its District Manager,  
2-34, SIDCO Complex,  
Soolakarai, Virudhunagar.

.. Appellant

Vs.

1.The Assistant Provident Fund Commissioner,  
Employee's Provident Fund Organization,  
Regional Office, Lady Doak College Road,  
Chokkikulam, Madurai.

2.Mr.M.A.P.Bose

3.S.Subash Bab

4.R.Arumugam

5.A.Maruthupandian

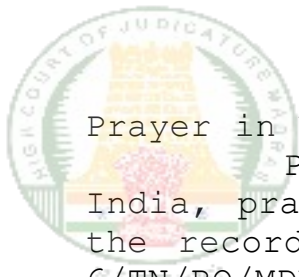
6.V.Muniasamy

7.A.Paraman

8.S.Hari Krishnan

.. Respondents

PRAYER: The Writ Appeal is filed under Clause 15 of Letters Patent against the order of this Court, dated 20.04.2011 in W.P.(MD) No.9705 of 2007.



Prayer in WP(MD). 9705/ 2007 :

Petition filed under Article 226 of the Constitution of India, praying for the issuance a writ of Certiorari, to call for the records of the 1st respondent dated 6.11.2007 in File No.M-6/TN/RO/MDU/42988/Enf-C/2007 and quash the same.

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For Appellant : Mr.K.Mahendran

JUDGMENT

(Judgment of this Court was delivered by S.MANIKUMAR, J.)

Vide order dated 06.11.2007, the first respondent has passed an order under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, in respect of M/s.Tamil Nadu State Marketing Corporation Limited (TASMAC), directing a sum of Rs.3,77,419/- be paid by the employer viz., the Managing Director/District Manager on behalf of the establishment M/s.TASMAC.

2.When the correctness of the said order passed under Section 7A of the said Act, was tested in W.P.(MD)No.9705 of 2007, following a decision of the Hon'ble Division Bench in a Writ Appeal (MD)No.1407 of 2010, dated 29.07.2010, the writ Court, vide order dated 20.04.2011, has dismissed the writ petition.

3.Parties to Writ Appeal (MD)No.1407 of 2010 are Tamil Nadu State Marketing Corporation Ltd., (TASMAC) represented by its Manager vs. The Assistant Provident Fund Commissioner, Employees' Provident Fund Organisation, Sub Regional Office, Chennai and others. While referring to Section 7-B of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, the Hon'ble Division Bench by observing that the appellant therein has right of review, has dismissed the appeal. In the present appeal, Tamil Nadu State Marketing Corporation Limited (TASMAC), Virudhunagar District, is the appellant, except the change in the District, facts remain the same.

4.In view of the statutory remedy available under Section 7-B of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, dismissal of the writ petition in W.P.(MD)No.9705 of 2007, cannot be found fault with. Hence, the appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (P&A)

/True Copy/



To அமைச்சர்

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The Assistant Provident Fund Commissioner,  
Employee's Provident Fund Organization,  
Regional Office, Lady Doak College Road,  
Chokkikulam, Madurai.

GJM/GSV/PM/7.4.16-3p-2c

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