



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2016

CORAM:

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THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.A. (MD) No.813 of 2016

The Regional Provident Fund Commissioner-I,
Regional Office of Employees Provident
Fund Organisation,
Lady Doak College Road,
Chokkikulam, Madurai - 2.

... Appellant/Respondent

Vs.

M/s.TVS Sri Chakra Ltd.,
Perumalpatti Road
Vellaripatti,
Melure Taluk, Madurai District,
Rep. by its General manager (HR)
Mr.K.N.Beetaraj

... Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause XV of Letters of Patent, against the common order dated 27.07.2015 made in M.P.(MD) No.1 of 2015 in W.P.(MD) No.12332 of 2015.

Prayer in MP(MD). 1/ 2015 in WP(MD).12332/2015 :

To grant an interim injunction restraining the respondent from continuing proceedings initiated against the petitioner Under Section 7A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 pursuant to the Notice Ref:No.MD/MDU/20359/Circle 40/ENF-C/RO/2015 dated 6.7.15 pending disposal of the WP.

Prayer in WP(MD). 12332/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus forbearing the respondent from continuing with the proceedings initiated against the petitioner under section 7A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 pursuant to the Notice Re:No.MD/MDU/20359/Circle 40/ENF-C/RO/2015 dated 6.7.15 till the pronouncement of the judgement by the Division Bench of this Honourable Court in WA.Nos.



For Appellant : Mrs.Lakshmi Gopinathan
For Respondent: Mr.S.Ramasubramanian

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JUDGMENT

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

With the consent of the learned counsel appearing for the parties, writ appeal is taken up for final hearing.

2.Impugned order granted in M.P.(MD)No.1 of 2015 in W.P. (MD)No.12332 of 2015 is challenged in the instant appeal. Perusal of the order shows that the writ Court has granted interim injunction only. It is trite law that an interim order cannot be challenged by way of an appeal, unless and until the person aggrieved moves the writ Court for vacating the same, by filing an application.

3.When Mrs.S.Lakshmi Gopinathan, learned counsel for the appellant was posed with a question as to why the appellant had not moved the writ Court for vacating the interim order, she replied that the appellant could not move the writ Court for listing the Miscellaneous Petition.

4.The said submission cannot be accepted for entertaining the writ appeal.

5.In the light of the above writ appeal is not maintainable and accordingly, the same is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The Regional Provident Fund Commissioner-I,
Regional Office of Employees Provident
Fund Organisation,
Lady Doak College Road,
Chokkikulam, Madurai - 2.

RJ2

TE/AN-MP/ : 19/05/2016 : 2P/2C

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