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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2016

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.24163 of 2016 and

W.M.P.(MD) Nos.17441 to 17443 of 2016

V.Pudukulam Primary Agricultural Co-operative Bank,
Now called as V.Pudukulam Primary
Agricultural Co-operative Credit Society,
Represented through its Secretary,
Vembattur Post, Manamadurai Taluk,
Sivagangai District.

... Petitioner

-vs-

1. The Assistant Provident Fund Commissioner,
Employees Provident Fund Regional Office,
Chokkikulam, Madurai-625 002.

2. The Recovery Officer,
Office of the EPF Organization,
Chokkukulam, Madurai-625 002.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the respondent made in TN/MDU/24946/RECY/2016044/CIRCLE/18/2016 and TN/MDU/24946/RECY/2016050 / Circle / 18 / 2016 dated 14.03.2016 and consequential order of attachment MD/MDU/RO/RECY/24946/8F/2016 dated 07.10.2016 and quash the same and direct the 1st respondent to permit the petitioner to pay interest amount of Rs.2,35,960/- in 25 instalments on the basis of representation dated 15.11.2016.

For Petitioner : Mr.C.G.Pethanaraj

For Respondents : Mr.K.Murali Shankar
Senior Counsel

O R D E R

This petition has been filed, seeking to quash the impugned orders passed by the respondent made in TN/MDU/24946/RECY/2016044/CIRCLE/18/2016 and TN/MDU/24946/RECY/2016050 / Circle / 18 / 2016 dated 14.03.2016, by which the petitioner was directed to pay the principal amount and interest towards payment of contribution. Since there was a delay in remitting the amount, consequential order of attachment in MD/MDU/RO/RECY/24946/8F/2016 dated 07.10.2016 has been passed against the petitioner. Therefore, both the orders are under challenge in this writ petition. The petitioner also sought a



direction to the 1st respondent to permit the petitioner to pay interest amount of Rs.2,35,960/- in 25 instalments on the basis of representation dated 15.11.2016.

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2. Heard the learned counsel on either side.

3. From the records produced by the respondents, it could be seen that though the impugned order of attachment has been passed as early as on 07.10.2016, there is no evidence produced on the side of the respondents in proof of its delivery to the petitioner. The respondents submitted that the acknowledgment card has not yet been received till date. Though the petitioner has got the alternative remedy under the Act, in order to gain the period of limitation, the petitioner has approached this Court. Hence, this Court is not inclined to interfere with the orders impugned in this writ petition.

4. However, considering the fact that there is also no proof of delivery of the impugned order to the petitioner, this Court directs the respondents to issue a fresh copy of the order to the petitioner within a period of fifteen days from the date of receipt of a copy of this order and on receipt of the same, it is open to the petitioner to approach the appropriate forum mentioned under the EPF Act.

5. With the above observation and direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Assistant Provident Fund Commissioner,
Employees Provident Fund Regional Office,
Chokkikulam, Madurai-625 002.
2. The Recovery Officer,
Office of the EPF Organization,
Chokkukulam, Madurai-625 002.

+1cc to Mr.K.Muralisankar, Advocate Sr.No.83123

+1cc to Mr.R.Saravanan, Advocate Sr.No.82935

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