

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2017

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

Writ Petition Nos.6296 & 6297 of 2017
and
W.M.P.Nos.6787 & 6788 of 2017

M/s. KJK Polydiamonds
International Pvt. Ltd.,
Rep. by its Managing Director
K. Jayakumar,
No.112, Nungambakkam High Court,
Chennai - 600 034. ... Petitioner in both W.Ps.

Vs

The Assistant Provident
Fund Commissioner,
Employee Provident Fund Organization,
Regional Office,
37, Royapettah High Road,
Chennai - 600 014. ... Respondent in both W.Ps.

PRAYER in W.P.No.6296 of 2017

This Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records on the files of the respondent in TN/(52017)/D-22/MAS/PDC/2016, dated 24.01.2017 (11.11.16) order u/s 14 B of the EPF & MP Act 1952 and quash the same being illegal, invalid, without Jurisdiction and violation of the principles of natural justice and direct the respondent to consider the petitioner representations dated 10.06.2016 & 19.09.2016 before passing the order.

PRAYER in W.P.No.6297 of 2017

Writ of Certiorarified Mandamus Petition filed under Article 226 of Constitution of India, calling for the records on the files of the respondent in TN/(52017)/D-22/MAS/PDC/2016, dated 24.01.2017 (11.11.16) order u/s 7 Q of the EPF & MP Act 1952 and quash the same being illegal, invalid, without Jurisdiction and in violation of the principles of natural justice and direct the respondent to consider the petitioner representations dated 10.06.2016 & 19.09.2016 before passing the order.

For Petitioner in both W.Ps. : Mr. D. Vijayakumar

COMMON O R D E R

The petitioner has filed these Writ Petitions, seeking to quash the orders passed by the respondent, dated 24.01.2017 (11.11.16) and also sought for a direction to the respondent to consider their representations dated 10.06.2016 & 19.09.2016.

2. Heard the learned counsel for the petitioner.

3. Admittedly, the order impugned herein is appealable. Thus, when statutory appeal is available, being an effective and efficacious alternate remedy, the Writ Petitions cannot be entertained.

4. Thus, taking note of the effective alternative remedy available under the statute, this Court, while declining to grant the relief sought for in these Writ Petitions, is granting liberty to the petitioner to prefer Statutory Appeal within a period of four weeks from the date of receipt of a copy of this order. As and when, such Appeal is filed, the Appellate Authority shall entertain the same without rejecting it on the ground of limitation. Till such time, there shall be an order of interim stay of all further proceedings pursuant to the impugned orders.

5. The Writ Petitions are disposed of accordingly. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

sd
To
The Assistant Provident Fund Commissioner,
Employee Provident Fund Organization,
Regional Office, 37, Royapettah High Road,
Chennai - 600 014.

+ 1 cc to Mr.D.Vijayakumar, Advocate SR.15965

W.P.Nos.6296 & 6297 of 2017

VGII(CO)
EU 17.4.17