

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2017

CORAM :

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

WRIT PETITION No.7449 of 2017  
and MP Nos. 8128 & 8129 of 2017

P.K.Sekar

...Petitioner

Vs.

1. Assistant Provident Fund Commissioner,  
& Recovery Officer,  
Employees Provident Fund Organization,  
Sub Regional Office,  
SJ Plaza, Anna Salai,  
Salem - 636 004.

2. The Station House Officer,  
Palacode Police Station,  
Dharmapuri District.

...Respondents

Prayer : The writ petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or any other Writ or direction in the nature of a Writ, to calling for the records connected with Certificate No. EPFCP - 26 No.CB/ SLM/ 90190/ Recovery/2016 dated 13.10.2016 and consequential Order No. CB/SRO/SLM /Recovery/90190/KRG/2017 dated 04.03.2017 of the first respondent and quash the same and restrain the 1st respondent from taking any action pursuant to the Order in TN/ SRO/ SLM/ COMP-II /90190/ K-3/ 2014 (06/ 04-10 /12) dated 25.04.2014 till the disposal of ATA No.398 (13)/2015 by the Provident Fund Appellate Tribunal.

For Petitioners : Mr. John  
Mr. M.Ravi

For Respondents : M/s.V.J.Latha - for R1  
Mr.S.Diwakar - for R2  
Special Government Pleader

O R D E R

The petitioner has filed this writ petition on the sole ground that there is an arrest warrant issued against him.

2.The learned counsel appearing for the petitioner submits that apart from the sum of Rs.5,00,000/- (Rupees five laksh only) before the Commissioner viz., respondent No.1. The petitioner would deposit a further sum of Rs.5,00,000/- before the very same authority provided some sufficient time is given to show his bonafides.

3.The learned counsel submitted that as the statutory appeal is pending, there is no necessity for the arrest warrant to be issued. As per the learned counsel appearing for the respondent, the petitioner may get appropriate orders before the Appellate Tribunal and hence no interference required. The fact that the petitioner has filed an appeal, which is pending consideration for the past two years, is not in dispute. This appeal has been transferred to the Tribunal at Bangalore. The petitioner has also filed an application, to stay the impugned order. He is also ready and willing to deposit a sum of Rs.5,00,000/- (Rupees five lakhs only) to respondent No.1, apart from the amount of Rs.5,00,000/- (Rupees five lakhs only), deposited already.

4.Considering the above said facts, this Court is of the view that it would be appropriate to stay the arrest warrant issued against the petitioner and further proceedings in pursuance of the order impugned dated 25.04.2014, till the application for stay is taken up, and appropriate orders are passed therein, either interim or final. Accordingly, this writ petition stands disposed of, by holding that the petitioner shall not be arrested till appropriate orders are passed in the application for stay, subject to the condition referred above. Consequently, connected miscellaneous petitions are closed. No costs.

5.The petitioner is given six(6) weeks time to comply with the condition of deposit of Rs.5,00,000/- (Rupees five lakhs only) to respondent No.1, from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

maya/abr

To

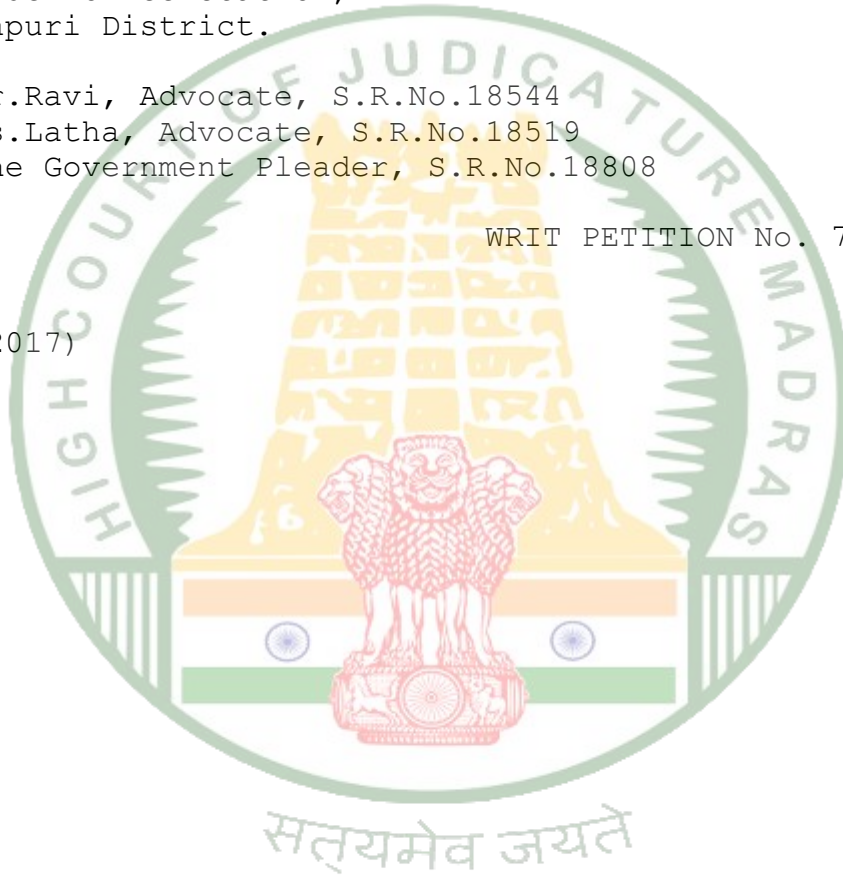
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Salem - 636 004.

2. The Station House Officer,  
Palacode Police Station,  
Dharmapuri District.

+1cc to Mr.Ravi, Advocate, S.R.No.18544  
+1cc to Ms.Latha, Advocate, S.R.No.18519  
+1cc to the Government Pleader, S.R.No.18808

WRIT PETITION No. 7449 of 2017

CA(CO)  
RS(28/03/2017)



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