

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

WRIT PETITION No. 10888 of 2017

AND

W.M.P.No. 11833 of 2017

The Managing Director,
M/s.SUSPA Pneumatics India Private Limited,
Guduvancheri-Tiruporur Road,
Pandur Village, No.16, Kannivakkam P.O.,
Guduvancheri-603 202. ...Petitioner

Vs.

1.The Assistant Provident Fund Commissioner (C&R),
Employees Provident Fund Organisation,
Regional Office-Tambaram, No.3, Rajaji Salai,
Chennai - 600 045. ...Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus for bearing the respondent from taking any action pursuant to the order bearing Ref.No.TB/TAM/RO/ENF/T-8/31393/2017 dated 10/04/2017 pending the Appeal filed on 24.04.2017 before the Provident Fund Appellate Tribunal, Bangalore Bench.

For Petitioner : John Zachariah
For Respondent : M/s.V.J.Latha

सत्यमेव जयते
O R D E R

This writ petition is filed against the order passed by the respondent under Section 7A of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952.

2.Challenging the said order the petitioner has filed an appeal before the Employees Provident Fund Appellate Tribunal, New Delhi (Bangalore Bench). Pending appeal, the present writ petition has been filed inter-alia alleging that a threat is extended to the petitioner by the respondent to comply with the order passed within three (3) days, failing which, the bank account would be attached.

3.Learned counsel appearing for the petitioner would submit

that such an action though done rightly, cannot be sustained in the eye of law. The petitioner has filed a statutory appeal and therefore there cannot be any recovery.

4.Learned counsel appearing for the respondent would submit that there is no material to substantiate the allegation of the petitioner. If the petitioner seeks indulgence of this Court then it should be put on terms.

5.The petitioner, admittedly, has filed a statutory appeal on 24.04.2017. In such of the matter, this Court is of the view that till the stay application is taken up by the Appellate Authority, the respondent cannot proceed with the order dated 10.04.2017.

6.Accordingly, this writ petition stands disposed of, by directing the respondent not to take any action in pursuant to the order dated 10.04.2017. After appropriate orders are passed in the stay application, the respondent can take further action based upon it. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

maya/abr

To

The Assistant Provident Fund Commissioner (C&R),
Employees Provident Fund Organisation,
Regional Office-Tambaram, No.3, Rajaji Salai,
Chennai - 600 045.

+1cc to Ms.Latha, Advocate, S.R.No.25261

+1cc to M/s.Fox Mandal Association, S.R.No.25587

KJ(CO)
RS(28/04/2017)

W.P.No. 10888 of 2017

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