

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2017

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.15199 of 2017 &
W.M.P.Nos.16471 & 16472 of 2017

M/s.Young Brand Apparel Private Ltd.,
Rep. by its CFO - T.V. Guru Krishnan,
Kattuputhur Village,
Ozhaiyur Post,
Uthiramerur Taluk,
Kancheepuram District-603 107.

..Petitioner

Vs.

1.The Regional PF Commissioner-I,
Employees' Provident Fund Organisation,
S-1, TNHB, Phase-III,
Sathuvachari,
Vellore - 632 009.

2.The Branch Manager,
State Bank of India, Uthiramerur, Vellore.

3.The EPF Appellate Tribunal,
No.62, 3rd Cross, Industrial Suburb,
Yeshwanthpur, 2nd Stage,
Bengaluru - 560 022.

..Respondents

Prayer: Writ petition is filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorari, to call for the records of the first respondent in proceedings No.TB/VLR/74355/ENF/8F/2017/547 and quash its order, dated 12.06.2017.

For Petitioner : M.Ravindran, Senior Counsel
For Mr.S.Bazeer Ahamed

For Respondents : Ms.V.J.Latha
Standing Counsel

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, Bengaluru. Pending appeal, the present writ petition has been filed inter-alia alleging that a threat is extended to the comply with the order passed by the respondent, otherwise, necessary proceedings will be initiated in accordance with the relevant provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

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 15.05.2017. 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 12.06.2017.

6.Accordingly, this writ petition stands disposed of, by directing the respondent not to take any action in pursuant to the order dated 12.06.2017. 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.

-s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

1.The Regional PF Commissioner-I,
Employees' Provident Fund Organisation,
S-1, TNHB, Phase-III,
Sathuvachari,
Vellore - 632 009.

2.The Branch Manager,
State Bank of India,
Uthiramerur, Vellore.

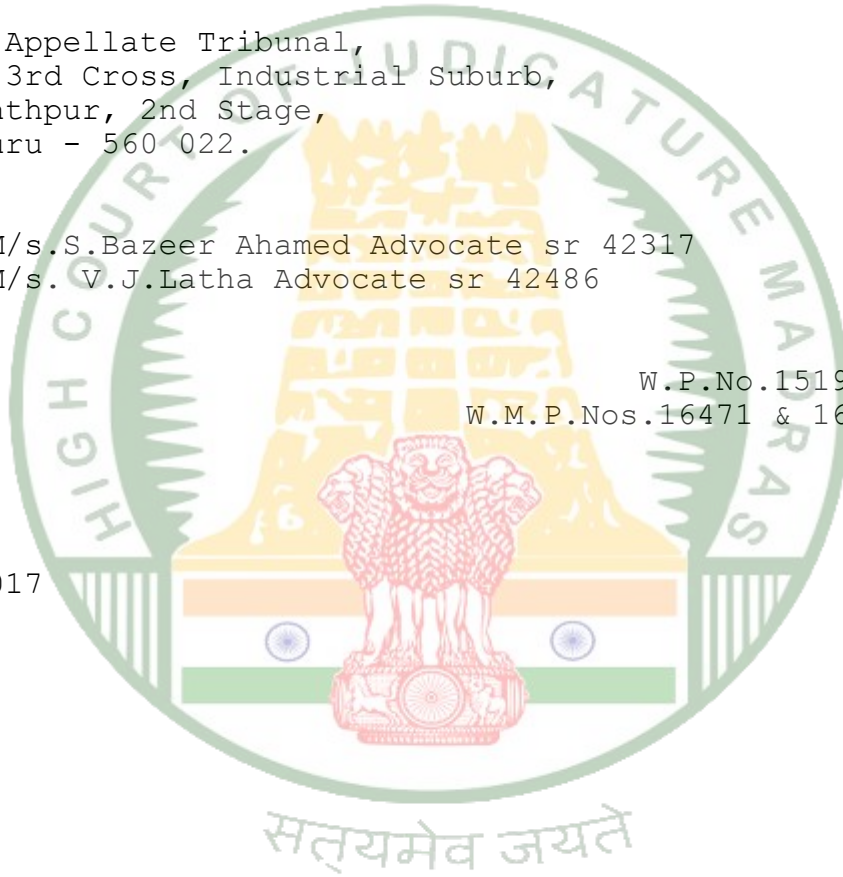
3.The EPF Appellate Tribunal,
No.62, 3rd Cross, Industrial Suburb,
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Bengaluru - 560 022.

+1 cc to M/s.S.Bazeer Ahamed Advocate sr 42317

+1 cc to M/s. V.J.Latha Advocate sr 42486

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