

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.09.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25329 & 25330 of 2017
and W.M.P.No.26791 & 26792 of 2017

M/s.Suolificio 'A' Unit,
185/1A, Left Wing,
Aslam Nagar Main Road,
Pammal, Chennai-600 075
Rep.by its Partner.

.. Petitioner in W.P.No.25329/17

M/s.Suolificio 'B' Unit,
185/1A, Left Wing,
Aslam Nagar Main Road,
Pammal, Chennai-600 075
Rep.by its Partner.

.. Petitioner in W.P.No.25330/17

vs

1.The Presiding Officer,
Central Government Industrial Tribunal,
Cum Labour Court,
Appellate Authority under EPF Act.
Shastri Bhavan, Chennai-600 006.

2.The Assistant Provident Fund Commissioner (C&R),
Employees Provident Fund Organisation,
Regional Office, Tambaram,
3, Rajaji Salai, Chennai-600 045.

.. Respondents in both W.Ps.

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the second respondent from proceeding any further in terms of its 14B order dated 08.09.2017 in proceedings No.TB/RO/TAM/60174/Div 516/PDC/Damages/2017 and in proceedings No.TB/RO/TAM/62032/Div 516/PDC/Damages/2017 till such time the appeal filed by the petitioner is entertained by the First Respondent.

For Petitioner : Mr. Anand Gopalan in Both W.Ps.
For M/S.T.S.Gopalan & Co

O R D E R

The writ petitioner has contended that an order was passed in proceedings dated 08.09.2017, under Section 14B Employees Provident Fund Act by the second respondent-Assistant Provident Fund Commissioner (C&R). Challenging the said order, the writ petitioner has preferred an appeal before the first respondent on 15.09.2017.

2. The learned counsel appearing for the writ petitioner states that the Presiding Officer is yet to be appointed for the Central Government Industrial Tribunal under the authority at Shastri Bhavan, Nungambakkam, Chennai. Thus, the interim application is unable to be taken up for hearing and in the event of allowing the order to be in force, the right of the writ petitioner will be prejudiced.

3. In view of the fact that the said Tribunal is not functioning, it is necessary to safe guard the interest of the writ petitioner atleast up to the period, when the appeal and interim applications are taken up for hearing.

4. In this view of the matter, this Court directs that until the appeal as well as the application seeking interim order filed by the writ petitioner on 15.09.2017 are taken up for hearing by the first respondent- Central Government Industrial Tribunal, the impugned order passed by the second respondent dated 08.09.2017 is directed to be kept in abeyance.

5. Accordingly, the writ petitions stand disposed of. Consequently, connected Miscellaneous Petitions are also closed. However, there shall be no order as to costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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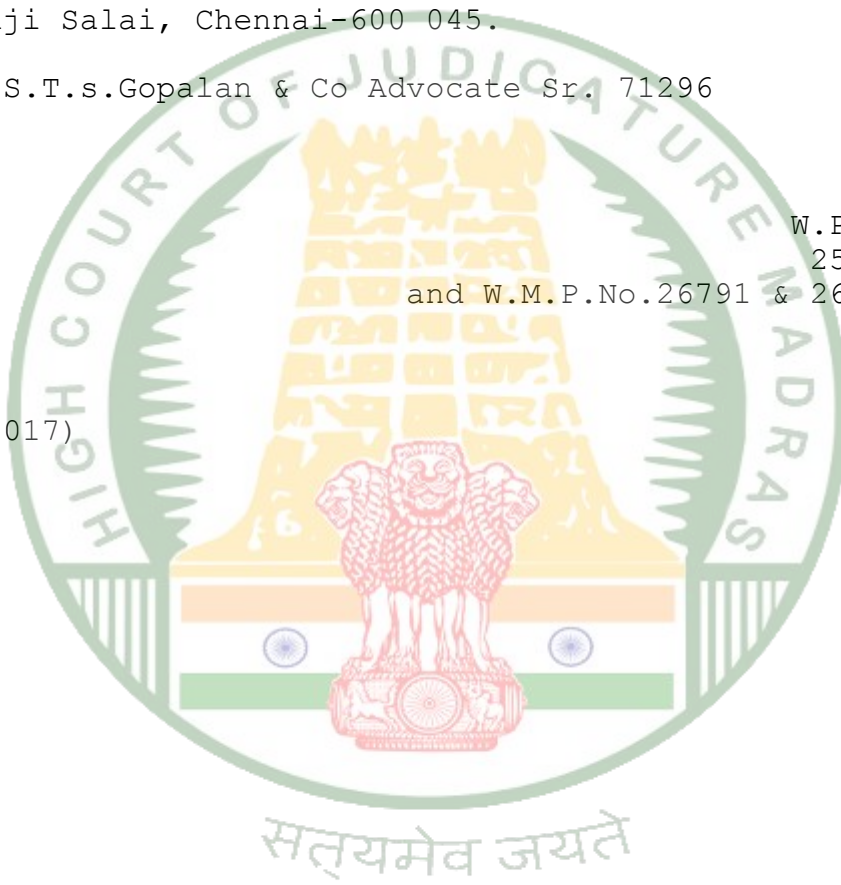
1. The Presiding Officer,
Central Government Industrial Tribunal Cum Labour Court,
Appellate Authority under EPF Act.
Shastri Bhavan, Chennai-600006

2. The Assistant Provident Fund Commissioner (C&R),
Employees Provident Fund Organisation,
Regional Office, Tambaram,
3, Rajaji Salai, Chennai-600 045.

+2cc to M/S.T.s.Gopalan & Co Advocate Sr. 71296

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25330 of 2017
and W.M.P.No.26791 & 26792 of 2017

RV(CO)
VR(06/10/2017)



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