

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.25832 of 2017

and

W.M.P.Nos.27275 and 27277 of 2017

M/s.Imayam Publications Pvt. Ltd.,
Rep. by its Managing Director R.A.Jebaraj,
No.22, First Cross Street,
2nd Avenue, Ashok Nagar,
Chennai-600 083. ... Petitioner

Vs.

1. The Asst. Provident Fund Commissioner (C & R), Chennai,
Employees Provident Fund Organisation,
Regional Office: 37, Royapettah High Road,
Chennai-600 014.
2. The Presiding Officer,
Central Government Industrial Tribunal-cum-Labour Court,
Chennai, Tamil Nadu. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to order dated 01.09.2017 passed by the second respondent in EPFA.No.37 of 2017 and quash the same and direct the second respondent to proceed with EPFA No.37 of 2017 in accordance with law.

For Petitioner : Mr.S.Pushpakaran

ORDER

The petitioner has preferred this Writ Petition challenging the order of the second respondent-Tribunal, dated 01.09.2017 in E.P.F.A.No.37 of 2017, wherein the Tribunal has directed the writ petitioner to deposit 30% of the award amount determined under Section 7-A of the Employees Provident Funds and Miscellaneous Provisions Act. The petitioner will have to pay 75% of the amount in terms of the provisions of the said Act and the Rules made thereunder. On the petition filed by the petitioner for waiver of the condition to deposit 75% of the amount, the Tribunal has permitted the petitioner to deposit 30% of the award amount, in which this Court finds no illegality.

The request for reduction of the amount to be paid on the ground that there is financial constraint, cannot be a ground for this Court to entertain this Writ Petition. The interim order passed by the second respondent-Tribunal is perfectly valid in law and this Court finds no reason to interfere with the same. Hence, the Writ Petition is dismissed. However, taking note of the time limit that would expire on 03.10.2017, the petitioner is permitted to deposit the amount on or before 10.10.2017, as ordered by the Tribunal, in E.P.F.A.No.37 of 2017, dated 01.09.2017. No costs. W.M.Ps. are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

cs
To

1. The Asst. Provident Fund Commissioner (C & R), Chennai,
Employees Provident Fund Organisation,
Regional Office: 37, Royapettah High Road,
Chennai-600 014.
2. The Presiding Officer,
Central Government Industrial Tribunal-cum-Labour Court,
Chennai, Tamil Nadu.

+1cc to Mr.S.Pushkaran, Advocate sr.70934

W.P.No.25832 of 2017

mr(co)
ss(3/10/2017)

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