

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.07.2017

CORAM

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

W.P. No.17341 of 2017

&

W.M.P.No.18853 of 2017

M/s.CSC Technologies India Pvt Ltd,
Rep. by its Authorised Signatory
Registered Office at Level 2,
Agnitio Tech Park, 141,
Kandanchavadi, near Perungudi,
OMR, Chennai - 600 096. ... Petitioner

Vs

1. Union of India, Ministry of Labour and Employment,
Shram Shakti Bhawan, Rafi Marg,
New Delhi - 110 001.
2. The Registrar,
The Employees Provident Fund,
Appellate Tribunal,
No.62, 3rd Cross, Industrial Suburb,
Yeshwathpur, 2nd Stage,
Bengaluru - 560 022.
3. The Registrar,
Industrial Tribunal, Shasti Bhavan,
Nungambakkam, Chennai.
4. The Regional Provident Fund Commissioner,
Employees Provident Fund Organization,
Tambaram,
No.3, Rajaji Salai, Chennai - 600 045.
... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent to forthwith issue necessary directions/instructions clarifying as to whether an appeal under Sec 7 I of the Employees Provident Funds and Miscellaneous

Provisions Act, 1952 would by reason of the amendment to Section 7 A of the Industrial Disputes Act, 1947 be maintainable before the 2nd or the 3rd Respondents.

For Petitioner : Ms.P.T.Asha,
M/s.Sarvabhauman Associates.

For Respondent : Mr.G.Baskaran
Central Government Standing Counsel
(R1, 3 & 4)

O R D E R

The learned counsel appearing for the writ petitioner would contend that an interim order was passed by this Court granting one week time to file the appeal before the Industrial Tribunal at Shashri Bhawan. In view of the fact that there is a delay in receiving the copy of the interim order, the writ petitioner is unable to file the appeal within one week from 17.07.2017. Thus, a request is made to grant extension of time for the purpose of filing the appeal.

2. This Court is of the view that the interim order was passed stating that the amendment was issued to the Employees Provident Funds and Miscellaneous Provisions Act, 1952 and pursuant to the amendment, an appeal be entertained by the Industrial Tribunal Shastri Bhawan. This court issued a direction to the Industrial Tribunal to entertain the appeal and adjudicate the same in accordance with law.

3. In view of the fact that a further direction was issued that till such time the application seeking interim order filed along with the appeal is taken up for consideration by the Industrial Tribunal, the fourth respondent shall not take any coercive action against the writ petitioner. Thus, it is suffice that the interim direction will resolve the issue at this point of time. Further, the appeal before the Industrial Tribunal has to be adjudicated along with the interim application and this Court need not go into the merits and demerits of the factual aspects of this case.

4. In this view of the matter, this Court is of the opinion that it is suffice, if a direction is issued to the Industrial Tribunal to entertain the appeal filed by the writ petitioner within one week from the date of receipt of a copy of this order and if such an appeal is filed by the writ petitioner, the same shall be numbered and adjudicated in accordance with law. Till such time, the interim application seeking any interim

order is filed and considered by the Industrial Tribunal, the fourth respondent shall not take any coercive action against the writ petitioner.

5.Thus, no further adjudication is required to be undertaken in this writ petition and the writ petition shall stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. Union of India, Ministry of Labour and Employment,
Shram Shakti Bhawan, Rafi Marg,
New Delhi - 110 001.
2. The Registrar,
The Employees Provident Fund,
Appellate Tribunal,
No.62, 3rd Cross, Industrial Suburb,
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Industrial Tribunal Shasti Bhavan,
Nungambakkam, Chennai.
4. The Regional Provident Fund Commissioner,
Employees Provident Fund Organization,
Tambaram,
No.3, Rajaji Salai, Chennai - 600 045.

+1cc to Mr.G.Baskaran, Advocate, S.R.No.53693

+1cc to Mr.Sarvabhauman, Advocate, S.R.No. 53690

W.P. No.17341 of 2017
and
W.M.P.No.18853 of 2017

VGI (CO)
GN(30/08/2017)