



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

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W.P (MD) No.13277 of 2017
and
W.M.P. (MD) No.10336 of 2017

M/s.Super Rubber Mix,
Represented by its Authorized Signatory,
Mr.R.Ramachandran,
#197/1, Kallampatti Road, Aritapatti,
Melur Taluk, Madurai.

... Petitioner

vs.

The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office, No.1, Lady Doak College Road,
ChinnaChokkikulam, Madurai-625 002.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the first respondent in his file reference No.MD/MDU/97219/PDC/Circle-40/2017, dated 07.07.2017 and quash the order of the respondent and to direct the respondent not to take any recovery action.

For Petitioner	: Mr.G.Manivannan
For Respondent	: Mr.V.S.V.Venkateshwaran

ORDER

By consent of both sides, this writ petition itself is taken up for final disposal.

2. The petitioner has preferred an appeal before Employees Provident Fund Appellate Tribunal at Bangalore Bench. However, the impugned order shows that as there is no order of stay granted by the Employees Provident Fund Appellate Tribunal, he was advised to remit the balance amount of damages under Section 14B of the Employees' Provident Fund Act amounting to Rs.9,61,717/- (Rupees Nine Lakhs Sixty One Thousand Seven Hundred and Seventeen only) in one lumpsum. The Registrar of the Tribunal has sent a letter stating that based on the Notification in No.S.O.1696 (E) dated 26.05.2017, the Employees Provident Fund Appellate Tribunal merged with the Central Government Industrial Tribunal (CGIT) and the related files have to be transferred to CGIT.

<https://hcservices.ecourts.gov.in/hcservices/>

3.It is the case of the petitioner that, till date, Central



Government Industrial Tribunal (CGIT) has not taken up the files for hearing. Therefore, the respondent cannot pass the impugned order directing the petitioner to pay the damage amount of Rs.9,61,717/- (Rupees Nine Lakhs Sixty One Thousand Seven Hundred and Seventeen only) within a period of seven days.

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4. *Prima facie*, this Court finds merits in the said submissions. The reason is that the Notification No.S.O.1696(E), dated 26.05.2017, clearly shows that Employees Provident Fund Appellate Tribunal is merged with the Central Government Industrial Tribunal (CGIT). It is, at this stage, the respondent could have given some reasonable time, as it is a transition stage for both sides.

5. Therefore, the petitioner is given eight weeks time to take steps to list the matter before the Central Government Industrial Tribunal (CGIT). Till then, there shall be an order of interim stay. It is needless to mention that if the appeal of the petitioner is not listed within the said eight weeks, on expiry of eight weeks, it is open to the respondent to proceed on the basis of the impugned order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.side)

/True copy/

Sub Assistant Registrar

To

The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office,
No.1, Lady Doak College Road,
ChinnaChokkikulam, Madurai-625 002.

+1cc to Mr.G.Manivannan, Advocate, SR.66216

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and

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MRN/RR

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