



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.1366 of 2017

and

W.M.P (MD) Nos.1122 to 1124 of 2017

NN 184 Puliya Primary Agricultural Cooperative Bank,
Now called as Puliya Primary Agricultural Cooperative
Credit Society,
represented through its Secretary,
Puliya Post,
Devakkottai Taluk,
Sivagangai District. ...Petitioner

Vs.

1.The Assistant Provident Fund Commissioner,
Employees Provident Fund Regional Office,
Lady Doak College Road,
Chinna Chokkikulam,
Madurai-2.

2.The Recovery Officer,
Office of the E.P.F.Organization,
Lady Doak College Road,
Chinna Chokkikulam,
Madurai-2.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records of the impugned orders passed by the second and first respondents made in No.TN/MDU/RECY/41091/C16/2016, dated 25.10.2016 and made in MD/MDU/RO/RECY/41091/8F/2016, dated 22.12.2016 respectively and to quash the same and to direct the first respondent to permit the Petitioner to pay EPF damage amount of Rs.5,74,208/- interest amount Rs.3,92,390 and total Rs.9,46,598/- and 60 installments based on the representation dated 3.1.2017 in accordance with law.

For Petitioner : M/s.C.G.Pethanaraj

For Respondents : M/s.N.Sivakumar

**ORDER**

This Writ Petition has been filed, seeking for issuance of a writ of Certiorarified Mandamus calling for the records of the impugned orders passed by the second and first respondents made in No.TN/MDU/RECY/41091/C16/2016, dated 25.10.2016 and made in MD/MDU/RO/RECY/41091/8F/2016, dated 22.12.2016 respectively and to quash the same and to direct the first respondent to permit the Petitioner to pay EPF damage amount of Rs.5,74,208/- interest amount Rs.3,92,390 and total Rs.9,46,598/- and 60 installments based on the representation dated 3.1.2017 in accordance with law.

2.Mr.N.Sivakumar, learned Counsel takes notice for the respondents. By consent of both parties, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3.Even though the Petitioner has challenged the order, the Petitioner has agreed to pay the amount demanded herein in 12 instalments, as claimed by the respondents.

4.In view of the said submission, this Court makes it clear that the Petitioner shall pay the above said amount as demanded by the respondents in 12 equal instalments and out of which, 11 equal instalments and 12th instalment along with accrued interest shall be paid to the respondents. Till such time, the order impugned herein shall be kept in abeyance. The first instalment shall be paid on or before 5.3.2017 and other subsequent instalments shall be paid on or before the last working day of every month. In case, the Petitioner fails to pay any one of the instalments referred above, the order impugned herein shall stand restored and it is open to the respondents to proceed against the Petitioner to recover the amount in its entirety as if the relief sought in the Writ Petition is dismissed.

5.With the above direction, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

1.The Assistant Provident Fund Commissioner,
Employees Provident Fund Regional Office,
Esplanade, Opp. to College Road,
Chinna Chokkikulam,
Madurai-2.



2.The Recovery Officer,
Office of the E.P.F.Organization,
Lady Doak College Road,
Chinna Chokkikulam,
Madurai-2.

+1 cc to MR.R.SARAVANAN, Advocate SR.No.4857
+1 cc to MR.N.SIVAKUMAR, Advocate SR.No.4974

W.P. (MD) No.1366 of 2017
and
W.M.P (MD) Nos.1122 to
1124 of 2017
30.01.2017

SMA/CM-MSA/15.02.2017:3P/5C