



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2017

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No.19749 of 2017

and

W.M.P. (MD) No.16016 of 2017

M/s.Thiru Meenakshi Fire Works
Represented by its partner
S.K.Murugan
S.No.1225 & 1227/1, Maraneri,
Kitchanaickenpatti, Sivakasi,
Virudhunagar District.

... Petitioner

Vs.

1. The Assistant Regional Provident
Fund Commissioner,
Employees Provident Fund Organization,
Regional Office,
Lady Doak College Road,
Chokkikulam,
Madurai-625 002.

2. The Recovery Officer,
Employees Provident Fund Organization,
Regional Office,
Lady Doak College Road,
Chokkikulam,
Madurai-625 002.

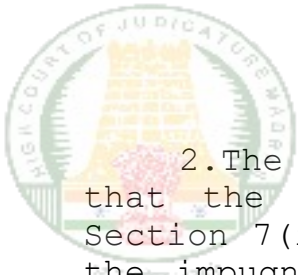
... Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorari, calling for the records relating with the order of the first respondent made in FILE No.MD/MDU/58948/Enf "B"/Circle-21/13004/2017, dated 11.10.2017 and quash the same as it is arbitrary and illegal.

For Petitioner : Mr.R.Suriyanarayanan
For Respondents : Mr.R.Velmurugan
Government Advocate

O R D E R

The writ petition has been filed challenging the order of the first respondent made in FILE No.MD/MDU/58948/Enf "B"/Circle-21/13004/2017, dated 11.10.2017 and quash the same as it is arbitrary and illegal.



2.The learned counsel for the petitioner would fairly submit that the statutory remedy by way of appeal is available under Section 7(i) of the Employees Provident Fund Act, 1952 to challenge the impugned order. Hence, he sought for permission to withdraw this writ petition with liberty to file an appeal and he has also made an endorsement to that effect.

3.It is, however, submitted by the learned counsel for the petitioner that the observation in the impugned order that the employer himself had admitted the services of around 102 employers were required in the process of the establishment as admitted in writing in the list furnished on 31.08.2016, is factually disputed. It is needless to add here that the Appellate Authority shall examine this aspect of the matter and render specific finding in accordance with law while deciding the appeal of the petitioner.

4.Accordingly, this writ petition is dismissed as withdrawn and the petitioner is at liberty to pursue the aforesaid statutory remedy to challenge the impugned order. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Assistant Regional Provident
Fund Commissioner,
Employees Provident Fund Organization,
Regional Office,
Lady Doak College Road,
Chokkikulam,
Madurai-625 002.

2. The Recovery Officer,
Employees Provident Fund Organization,
Regional Office,
Lady Doak College Road,
Chokkikulam,
Madurai-625 002.

+ 1 CC TO Mr.R.SURIYANARAYANAN, ADVOCATE IN SR No. 84082

RMK

TE/KKR/SAR-II : 15/11/2017 : 2P/4C