



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.03.2017
CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD).No.3960 of 2017

WEB COPY

Mr.S.Sakthiyanantham

.. Petitioner

Vs.

1. Regional Provident Fund Commissioner,
Royapettah High Road,
Chennai - 600 014.

2. M/s Batliboi enXco Pvt Ltd,
No.28 (NP), Thiru Vi.Ka. Industrial Estate,
Ekkaduthangal, Guindy, Chennai-600 032,
represented by its Director.

3. M/s Batliboi enXco Pvt Ltd,
Sulaiman Building, Opp to IOC Petrol Bunk,
Tirunelveli Main Road,
Kayathar, Thoothukudi District,
Pin-628952.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to dispose of the Petitioner's representation, dated 3.2.2017, by initiating appropriate legal proceedings both civil and criminal to recover the Provident Fund which was criminally misappropriated by the second respondent in the light of the Hon'ble Supreme Court's order, dated 8.10.2010, in the matter of Criminal Appeal No 1980 of 2010 arising out of S.L.P.Criminal No.7338 of 2007 between Asoke Basak and State of Maharashtra.

For Petitioner

: Mr.U.Kasipandian

O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the first respondent to dispose of the Petitioner's representation, dated 3.2.2017, by initiating appropriate legal proceedings both civil and criminal to recover the Provident Fund which was criminally misappropriated by the second respondent in the light of the Hon'ble Supreme Court's order, dated 08.10.2010, in the matter of Criminal Appeal No.1980 of 2010, arising out of S.L.P. Criminal No.7338 of 2007, between Asoke Basak and State of Maharashtra.



2. Heard the learned counsel appearing for the petitioner.

3. In view of the order to be passed in this petition, this Court is of the view that notice need not be sent to the respondents.

4. The learned counsel for the petitioner insists that the petitioner's representation, dated 03.02.2017, has to be considered by the respondents 1 and 2.

5. The case of the petitioner is that he had been working as a casual labourer under the second respondent since 2004 and that the second respondent was deducting from his salary towards Provident Fund Contribution since 2004, but not accounted properly. The petitioner further alleges that he is not able to get his Provident Fund amount on account of either misappropriation or manipulation of records by the second respondent. Since the first respondent has got power to deal with the complaint, he has sought for a direction before this Court for issuance of a Writ of Mandamus.

6. Considering the limited scope of prayer in the Writ petition, without expressing any opinion on the merits of the matter, this Court is inclined to pass the following order:-

" The first respondent is directed to dispose of the petitioner's representation, dated 03.02.2017, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order."

7. Accordingly, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

The Regional Provident Fund Commissioner,
Royapettah High Road,
Chennai - 600 014.

+1cc to Mr.U.Kasipandian, Advocate, Sr No.13096

ORDER MADE IN
W.P.(MD).No.3960 of 2017
08.03.2017

pmu