



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10.10.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P(MD)No.2391 of 2011

and

M.P.(MD) No.1 of 2011

A.V.Abdul Azeez

... Petitioner/Petitioner

vs.

1.The Employee's Provident Fund Appellate Tribunal,
Core II, 4th Floor Lakshmi Nagar District Centre,
Lakshmi Nagar,
New Delhi.

2.The Assistant Provident Fund Commissioner,
SRO, Bhavishya Nidhi Bhawan,
N.G.O. 'B' Colony,
Tirunelveli - 627 007.

... Respondents/Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned order dated 28.01.2011 passed by the 1st respondent in ATA No.552(13)2007 and quash the same as illegal.

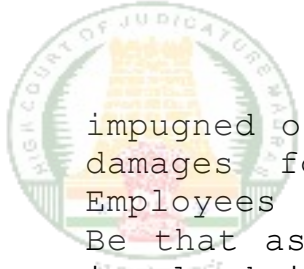
For Petitioner : Mr.Jerin Mathew
For M/s.Ajmal Associates

1st Respondent : Tribunal

For 2nd Respondent : Mr.K.Murali Shankar

ORDER

This writ petition has been filed for calling for the records relating to the impugned order dated 28.01.2011, passed by the first respondent in A.T.A.No.552(13)2007 and quash the same as illegal. The learned counsel for the petitioner relying upon the judgment of this Court in **Terrace Estate, Union of Unit of United Plantation, Ltd., v. Assistant Provident Fund Commissioner, Coimbatore** reported in **2010 (2) L.L.N. 196** contends that there is no specific finding in respect of *mens rea* or *actus reus* in the



impugned order in order to fasten liability on the petitioner for damages for the delayed payment under Section 14-B of the Employees Provident Funds and Miscellaneous Provisions Act, 1952. Be that as it may, having due regard to the fact that the amount involved in the matter is a paltry sum of Rs.11,483/-, it would not be necessary to adjudicate upon the rival contentions in this regard.

2.Hence, this Writ Petition is disposed without expressing any view on the correctness or otherwise of the impugned order. Further, it is made clear that while fastening any liability for damages against the petitioner for any subsequent period, the concerned authority shall dispassionately adjudicate the same on merits and in accordance with law without being influenced by the findings in the impugned proceedings. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1.The Employee's Provident Fund Appellate Tribunal,
Core II, 4th Floor Lakshmi Nagar District Centre,
Lakshmi Nagar,
New Delhi.

2.The Assistant Provident Fund Commissioner,
SRO, Bhavishya Nidhi Bhawan,
N.G.O. 'B' Colony,
Tirunelveli - 627 007.

+1cc to Mr.M.E.Ilango, Advocate Sr.No.82365

+1cc to Mr.K.Murali Shankar, Advocate Sr.No.82235

SJ

VB/SKN/RSK/SAR4/08/11/2017/2P/5C

order in
W.P(MD)No.2391 of 2011
10.10.2017