

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.24046 of 2007

ORDER:

The relief sought for in this Writ Petition is to declare the order passed by the first respondent dated 08.06.2007, fixing the liability of Rs.7,09,180/- towards principal and Rs.1,53,236/- towards interest, under Section 7(a) of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 ("the Act" for short), and the consequential prohibitory order dated 05/11.09.2007 under Section 8F(3)(iii) of the Act, as illegal, arbitrary and in violation of principles of natural justice.

By the order dated 08.06.2007, the petitioner was informed that they had failed to remit the provident fund contribution for their employees, during the period April, 2003 to April, 2007, in accordance with the provisions of the Act. On the ground that they had failed to remit the said amount in time, they were called upon to pay the said amount along with interest of Rs.1,53,236/-. The Assistant Provident Fund Commissioner passed an order, under Section 7-A of the Act, on 08.06.2007 fixing the petitioner's liability to make payment, of the provident fund dues of its employees, at Rs.7.09,180/-. The said order records that neither the employer (evidently the petitioner) had turned up for the enquiry nor had they deputed any representative to represent their case on the said date, despite receipt of summons dated 15.05.2007.

While admitting the Writ Petition, this Court did not grant stay. The Writ Petition was filed in the year 2007, nearly a decade ago. The dispute in the Writ Petition relates to payment of provident fund dues of its employees, by the petitioner, and their liability to pay interest thereon. In the absence of any order injuncting them from recovering

the dues, the Employees Provident Fund organization would have recovered the said amount by now. Even otherwise, as the dispute relates to payment of the provident fund dues of employees of the petitioner, and non-payment would result in such employees being deprived of their statutory entitlement, I see no reason to interfere with the order impugned in this Writ Petition. It is made clear that if the respondents have not recovered the said dues from the petitioner, it is open to them to do so in accordance with law.

The Writ Petition fails and is, accordingly, dismissed. The Miscellaneous Petitions pending, if any, shall also stand dismissed. No order as to costs.

Date:03.02.2017.

cs

RAMESH RANGANATHAN, ACJ.

