

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :02.04.2018
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.7290 of 2018
and
W.M.P.No.9061 of 2018

Vellore Corporation Contractors Association,
No.1, 1st Floor,
Vooresh Nursery Primary School Compound,
Arani Road,
Vellore.
Rep.by its Secretary N.Srinivasan,
S/o.C.Natarajan
Petitioner ..

vs

- 1.The Commissioner,
Vellore Corporation,
Vellore.
 - 2.The Commissioner,
Employees Provident Fund Organization,
Royapettah High Road,
Chennai - 600 014.
 - 3.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Vellore Region,
Vellore - 632 009.
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned proceedings issued by the 1st respondent in Na.Ka.No.1900/2011/E1 dated 06.03.2018 and to quash the same.

For Petitioner : M/s.G.Sankaran

For Respondents : Mr.S.Silambanan, Senior Counsel

For P.Shanthi for R1

O R D E R

The order dated 06.03.2018 issued by the 1st respondent, directing the writ petitioner to deposit the Employees Provident Fund(EPF) due amount of Rs.27,82,874/- is under challenge in this writ petition.

2.The learned counsel appearing on behalf of the writ petitioner mainly relied on the ground that no opportunity was provided to the writ petitioner even to defend his case. However, the other grounds raised, need not be considered at this juncture in view of the fact that the principles of natural justice had not been followed by providing an opportunity to the writ petitioner. Thus, the writ petitioner is at liberty to raise all the grounds raised in this writ petition before the authority concerned. However, the fact regarding the non issuance of the show cause notice/proceedings is not controverted by the learned senior counsel appearing on behalf of the respondents.

3.This being the factum of the case, this Court is of an opinion that it is suffice, an opportunity is given to the writ petitioner to defend his case on merits and in accordance with law. This Court is of the opinion that this is a fit case for remittance. Accordingly, the order impugned, issued by the first respondent in proceedings in Na.Ka.No.1900/2011/E1 dated 06.03.2018 is quashed and the matter is remitted back for the purpose of issuing show cause notice to the writ petitioner and on receipt of the explanation/objections from the writ petitioner, decision shall be taken and the final order shall be issued by considering the explanations at the earliest possible and without causing any undue delay.

4.Accordingly, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

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सत्यमेव जयते
Sub Assistant Registrar

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To

1.The Commissioner,
Vellore Corporation,
Vellore.

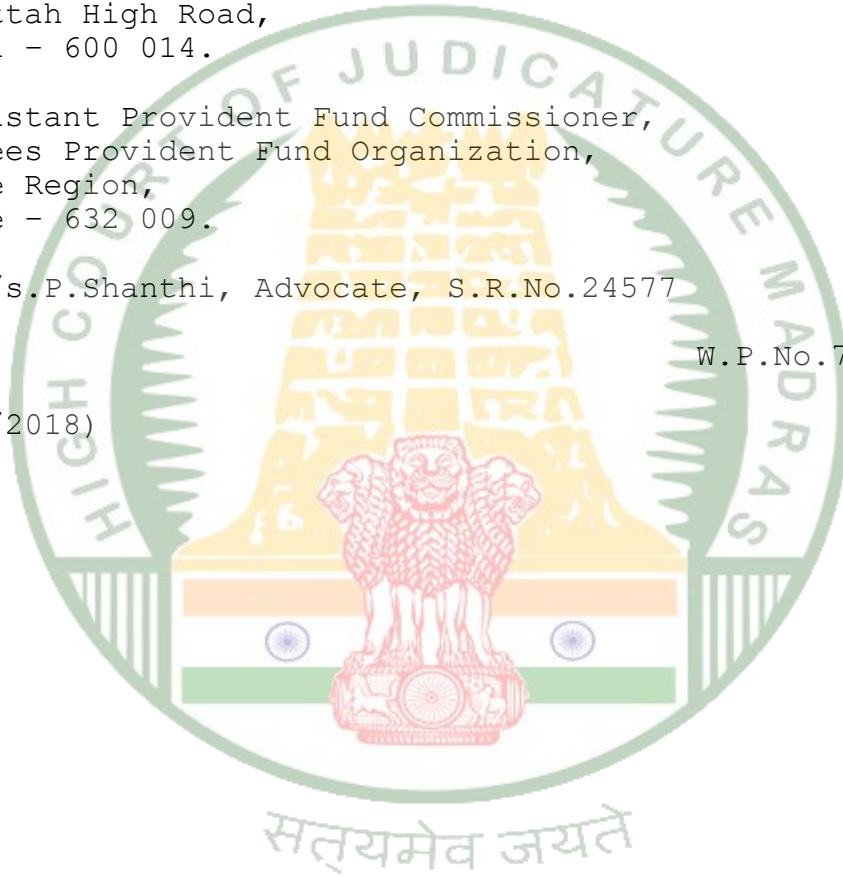
2.The Commissioner,
Employees Provident Fund Organization,
Royapettah High Road,
Chennai - 600 014.

3.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Vellore Region,
Vellore - 632 009.

+1cc to M/s.P.Shanthi, Advocate, S.R.No.24577

W.P.No.7290 of 2018

RRK(19/04/2018)



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