

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.3605 of 2018

M/s nThrive Global Solutions Pvt.Ltd.,
(Formerly e4e Healthcare Business
Services Pvt.Ltd.)
Unit 1-5-2, Block A-Eastern Front Wing
TECCI Park No.285, OMR Sholinganallur
Chennai 600 119 rep.by authorised signatory/
Associate Director-HR ... Petitioner

-vs-

1. The Regional Provident Fund Commissioner I
Employees' Provident Fund Organisation
Regional Office, No.3 Rajaji Salai
Tambaram,
Chennai 600 045
2. The Presiding Officer
Central Government Industrial Tribunal
cum Labour Court
Shastri Bhavan
Chennai 600 006 .. Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, forbearing the first
respondent from proceeding any further in terms of its order
dated 08.12.2017 in proceedings No.TB/TAM/
0050603/000/Enf528/Damages/Div.528 passed under Section 14B of
EPF Act till such time the Appeal in EPFA No.478/2018 filed by
the petitioner is taken up for hearing by the second respondent.

For Petitioner :: Mr.G.Anand for M/sT.S.Gopalan &Co.

For Respondents :: Mr.K.Ramu
Standing Counsel for R1

ORDER

The present writ petition is directed against the impugned proceedings in No.TB/TAM/0050603/000/Enf528/Damages/Div.528 dated 8.12.2017 passed by the Regional Provident Fund Commissioner, Employees' Provident Fund Organisation, Tambaram, Chennai, the first respondent herein under Section 14B of the Employees' Provident Funds and Miscellaneous Provisions Act.

2. Learned counsel for the petitioner submitted that as against the impugned order passed by the first respondent, the petitioner has filed an appeal along with an interim application seeking for stay before the second respondent Appellate Tribunal within the stipulated period of time. But for want of the Presiding Officer in the second respondent Tribunal, the matter has not been taken up, as a result the petitioner has been forced to approach this Court. Had there been a Presiding Officer posted before the second respondent Tribunal, the writ petition would not have been filed. Therefore, a direction be issued to the first respondent not to take any coercive steps till the Presiding Officer is appointed in the second respondent Tribunal, who could take up the matter.

3. The learned standing counsel for the first respondent also submitted that the petitioner has filed an appeal along with an interim application seeking for stay on the file of the second respondent and the matter could not be taken up for want of the Presiding Officer.

4. In that view of the matter, the first respondent is hereby directed not to precipitate the issue by taking any coercive action till the appeal/stay application filed by the petitioner against the order under Section 14B is taken up for hearing by the second respondent Tribunal. With this direction, the writ petition is disposed of accordingly. Consequently, W.M.P.No.4432 of 2018 is closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Regional Provident Fund Commissioner I
Employees' Provident Fund Organisation
Regional Office, No.3 Rajaji Salai
Tambaram
Chennai 600 045

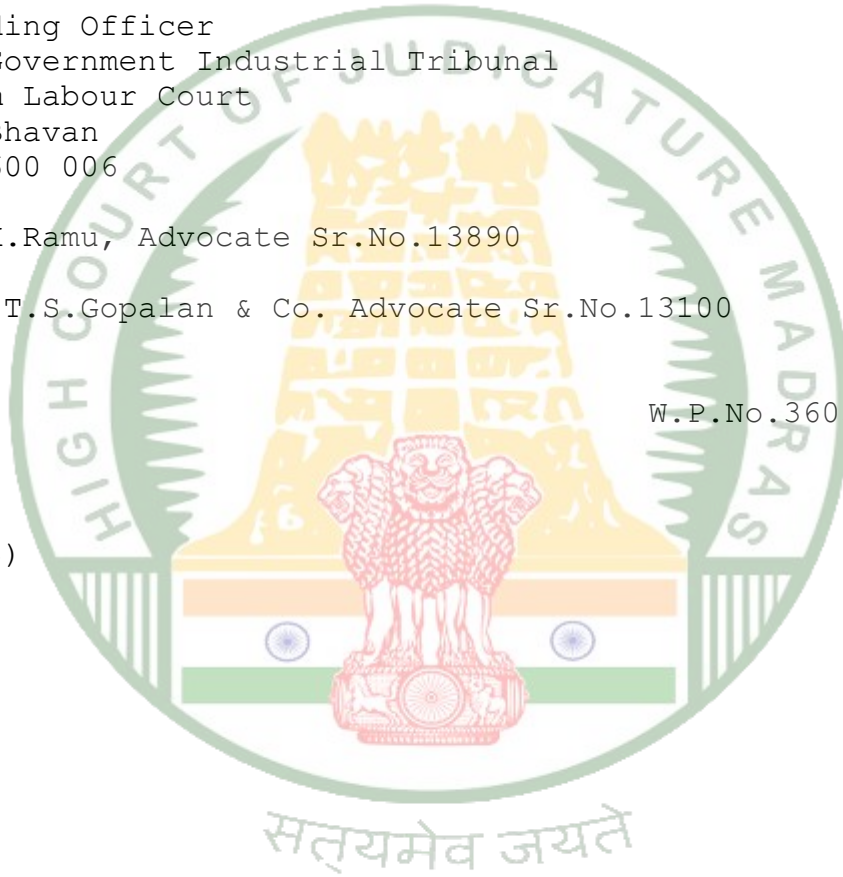
2. The Presiding Officer
Central Government Industrial Tribunal
cum Labour Court
Shastri Bhavan
Chennai 600 006

+1 CC to Mr.K.Ramu, Advocate Sr.No.13890

+1 CC to M/s.T.S.Gopalan & Co. Advocate Sr.No.13100

W.P.No.3605 of 2018

GP(CO)
KP(19/03/2018)



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