

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.04.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 10816 of 2018
and
W.M.P.No. 12756 of 2018

M/s.Belvidere Estate
Thangam Coffee Curing Works
Yercaud Main Road
Chinnakollapatty, Salem-636 008
Rep by its Proprietor Mr.P.Ramesh Rajah ... Petitioner

Vs

- 1.The Assistant Provident Fund Commissioner
Employees Provident Fund Organization
Sub-Regional Officer, S.J.Plaza
Swarnapuri, Salem - 636 004.
- 2.The Presiding Officer
Central Government Industrial Tribunal
Cum Labour Court
Shastri Bhavan, Chenani - 600 006. ... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, forbearing the 1st respondent from proceeding any further in terms of its order dated 06.04.2018 in proceedings No.TN.SRO/SLM/COMP-1/12009/S5/2018 passed under Section 7A of EPF Act, till such time the Appeal filed by the petitioner is taken up for hearing by the 2nd respondent. सत्यमेव जयते

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

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O R D E R

The relief sought for in this writ petition is to forbear the first respondent from proceeding any further in terms of its order dated 06.04.2018 in proceedings No.TN.SRO/SLM/COMP-1/12009/S5/2018 passed under Section 7A of EPF Act, till such time the Appeal filed by the petitioner is taken up for hearing by the 2nd respondent.

2.The learned counsel appearing on behalf of the writ petitioner states that the Central Government Industrial Tribunal cum Labour Court is not functioning as of now for want of Presiding Officer. The Presiding Officer is yet to be appointed. Thus, they are unable to conduct the cases before the Tribunal. During this interregnum period the respondents are taking some coercive action against the writ petitioner.

3.In view of the fact that the Presiding Officer is yet to be appointed in the Central Government Industrial Tribunal cum Labour Court, this court is inclined to consider the relief as such sought for in this writ petition.

4.Thus, the respondents are directed not to initiate any coercive action till the Presiding Officer is appointed in the Central Government Industrial Tribunal cum Labour Court.

5.Accordingly, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. However, there is no order as to costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

may
To

1.The Assistant Provident Fund Commissioner
Employees Provident Fund Organization
Sub-Regional Officer, S.J.Plaza
Swarnapuri, Salem - 636 004.

2.The Presiding Officer
Central Government Industrial Tribunal
Cum Labour Court
Shastri Bhavan, Chenani - 600 006.

+1cc to M/S.T.S.Gopalan & Co, Advocate Sr.31172

W.P.No. 10816 of 2018

pvs[co]
srg 05/06/2018