

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-07-2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.32279 of 2017

Sri Sapthagiri Transport,
Represented by its Proprietor-Mr.T.E.Murali,
No.9, Park Road, Newry Towers,
D.No.A603, Anna Nagar West Extension,
Chennai-600 101. .. Petitioner

-vs-

- 1.The Presiding Officer,
Central Government Industrial Tribunal,
Cum Labour Court,
Appellate Authority under EPF Act,
Shastri Bhavan,
Chennai-600 006.
- 2.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
Regional Office,
Ambattur,
Chennai-600 037. .. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the second respondent, their men, officers, agents, servants, representative or any one claiming through or under them or any other person from proceeding any further in terms of its 7A order dated 6.11.2017 in Proceedings No.TN/RO/Amb./68466/CC-II/Area-6/2017 till such time the appeal filed by the petitioner is entertained by the first respondent.

For Petitioner	-	Mr.S.Ezhil Raj
For Respondent-1	-	Court
For Respondent-2	-	No Appearance

ORDER

The writ petitioner has contended that an order was passed in proceedings dated 6.11.2017, under Section 7A of the Employees Provident Fund Act, by the second respondent-Assistant Provident Fund Commissioner, Ambattur, Chennai-37. Challenging the said order, the writ petitioner has preferred an appeal before the first respondent on 22.11.2017.

2. The learned counsel appearing for the writ petitioner states that the Presiding Officer is yet to be appointed for the Central Government Industrial Tribunal under the authority at Shastri Bhavan, Nungambakkam, Chennai. Thus, the interim application is unable to be taken up for hearing and in the event of allowing the order to be in force, the right of the writ petitioner will be prejudiced.

3. In view of the fact that the said Tribunal is not functioning, it is necessary to safe guard the interest of the writ petitioner at least up to the period, when the appeal and interim application are taken up for hearing.

4. In this view of the matter, this Court directs that until the appeal as well as the application seeking interim order filed by the writ petitioner on 22.11.2017 are taken up for hearing by the first respondent-Central Government Industrial Tribunal, the impugned order passed by the second respondent dated 6.11.2017 is directed to be kept in abeyance.

5. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS II)

//True copy//

Sub Assistant Registrar

Svn

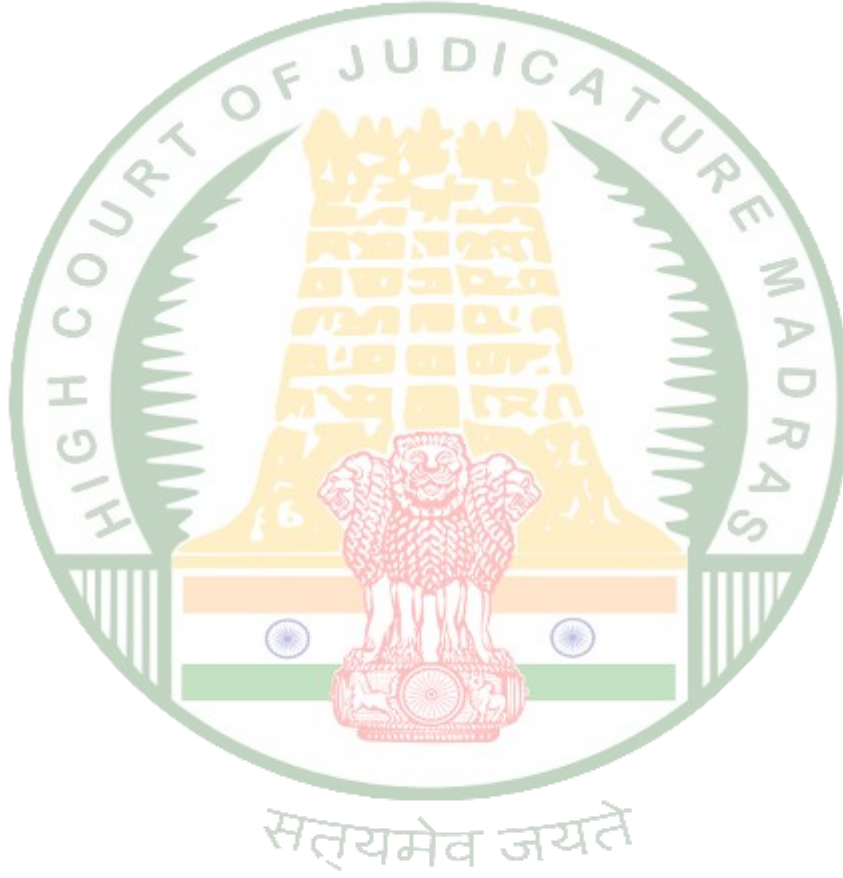
To

1.The Presiding Officer,
Central Government Industrial Tribunal,
Cum Labour Court,
Appellate Authority under EPF Act,
Shastri Bhavan,
Chennai-600 006.

2.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
Regional Office,
Ambattur,
Chennai-600 037.

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PPA (CO)
GN (10/08/2018)



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