

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.06.2018

CORAM

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

W.P.No.23400 of 2014

And

M.P.No.1 of 2014

M/s. A&F Overseas Trade Private Limited,
Represented by its Authorised Signatory
Factory at Uravaiyur Village,
Mangalam Road & Post,
Villianur,
Puducherry - 605 110.Petitioner

Vs.

The Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
Sub-Regional Office,
No.101, 100 Ft Road,
Sree Venni Commercial Complex,
Chollan Nagar, Olandaikeerapalayam,
Puducherry - 605 004. Respondent

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Certiorari, to call for records of the respondent in proceedings No.PDC/PC/364/REGL/2014 (Damages).

For Petitioner : Mr.S.Ravindran, Senior Counsel
for M/s.S.Gomathi Lakshmi
For Respondent : Mr.V.J.Latha

सत्यमेव जयते
O R D E R

The relief sought for in this writ petition is to call for records in relation to the order passed by the respondent in proceedings dated 06.08.2014, awarding damages under Section 14B of the Employees Provident Fund and Miscellaneous petitions Act, 1952.[hereinafter referred to as "EPF" Act]

2.The learned senior counsel appearing on behalf of the writ petitioner as well as the learned counsel appearing on behalf of the respondent admitted the fact that the writ petitioner has not preferred any appeal before the Tribunal, challenging the impugned order passed by the respondent in proceedings No. No.PDC/PC/364/REGL/2014 (Damages) dated 06.08.2014.

3.The learned senior counsel is of an opinion that in view of the judgment of the Full Bench of the Madras High Court, reported in 2007(2)LLJ 140, no appeal needs to be filed. However, this Court is of an opinion that all the grounds including the legal principles settled by the Full Bench shall be urged before the Tribunal by filing an appeal.

4.Further, it is pleaded that the period of limitation had already expired for preferring an appeal. Thus, this Court is of an opinion that the writ petitioner shall now be permitted to move an appeal before the Tribunal for complete adjudication.

5.Accordingly, the writ petitioner is permitted to file an appeal before the Tribunal within a period of four weeks from the date of receipt of copy of this order. In the event of filing any such appeal, the Tribunal concerned is directed to entertain the appeal and adjudicate the same on merits and in accordance with law as early as possible.

6.Accordingly, this writ petition stands disposed of. Consequently, the connected Miscellaneous Petition is closed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

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To

The Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
Sub-Regional Office,
No.101, 100 Ft Road,
Sree Venni Commercial Complex,
Chollan Nagar, Olandaikeerapalayam,
Puducherry - 605 004.

+1cc to Mr.V.J.Latha, Advocate Sr.No.36183
+1cc Mr.S.Gomathi Lakshmi, Advocate SR.No.36219

SSV(CO)
GSP:21.6.2018

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