

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.34447 to 34457 of 2017

1.The Assistant Provident Fund Commissioner
Employees Provident Fund Organisation
Regional Office
Bhavishyanidhi Bhavan
Dr.Balasundaram Road
Coimbatore 641 018

.. Petitioner in WP.34447 to 34450/17,
34452, 34453, 34454, 34456 & 34457/17

2.The Regional Provident Fund Commissioner,
Employees Provident Fund Organisation,
Regional Office, Bharishyandhi Bhavan,
Dr.Balasundaram Road, Coimbatore- 641 018.

... Petitioner in WP.34451 & 34455/17

-vs-

1. The Presiding Officer
Employees Provident Fund Appellate Tribunal
Scope Minar Core-II
4th Floor, Lakshmi Nagar
New Delhi 110 092

.. 1st Respondent in all the Writ Petitions

2. M/s Maris Agro Products (P) Ltd.,
Warwick Estate
Kotagiri 643 242
The Nilgiris

.. 2nd Respondent in WP No.34447/17

3. M/s Tuttapullum Estate Tea Factory
(Tuttapullum Estate No.4)
Tuttapullum Post
The Nilgiris 643 242

.. 2nd Respondent in WP No.34448/17

4. M/s N.Umapriyadharshini
Havukal Estate
Kotagiri
The Nilgiris 643 242

.. 2nd Respondent in WP No.34449/17

5. M/s J.Karthik Narayan Division
Warwick Estate
Kotagiri 643 217
The Nilgiris .. 2nd Respondent in WP No.34450/17
6. M/s Devashola Estate
Balacola Post
The Nilgiris 643 242 .. 2nd Respondent in WP No.34451/17
7. M/s Tuttapullum Estate No.2
(Tuttapullum Estate-Lower Division)
Tuttapullum Post
The Nilgiris 643 242 .. 2nd Respondent in WP.No.34452/17
8. M/s R.Nandakumar - HUF
Havukal Estate
Kotagiri 643 217
The Nilgiris ... 2nd Respondent in WP No.34453/17
9. Tuttapullam Estate No.3
Tuttapullam Post
The Nilgiris 643 242 .. 2nd Respondent in WP No.34454/17
- 10.M/s Allada & Koderi Valley Estate
Chamraj Post
The Nilgiris 643 242 .. 2nd Respondent in WP No.34455/17
- 11.M/s T.Raghuraman - HUF
Havakal Estate
Kotagiri 643 217
The Nilgiris .. 2nd Respondent in WP No.34456/17
- 12.M/s Anuradha Division
Warwick Estate
Kotagiri 643 217
The Nilgiris .. 2nd Respondent in WP No.34457/17

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, to call for the records relating to the proceedings of first respondent dated 18.09.2014 in ATA Nos.472(13) 2011, 489(13)2011, 692(13)2011, 681(13)2011, 349(13)2011, 492(13)2011, 683(13)2011, 491(13)2011, 309(13)2011, 679(13)2011 & 470(13)2011 respectively, and quash the orders passed therein.

For Petitioner

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Mrs.R.Meenakshi

ORDER

These writ petitions have been filed challenging the very old orders dated 18.9.2014 passed by the Employees Provident Fund Appellate Tribunal, New Delhi in ATA Nos.472(13) 2011, 489 (13)2011, 692(13)2011, 681(13)2011, 349(13)2011, 492(13)2011, 683(13)2011, 491(13)2011, 309(13)2011, 679(13)2011 & 470(13)2011 respectively, rejecting the case of the petitioner that the employer shall deduct/pay the provident fund contributions on various allowances.

2. When the employer-second respondent in each of the writ petitions had admittedly made the provident fund contribution, except the terrain allowance, production bonus and special job incentive on the ground that these allowances do not form part of the wages, accepting the said payment, the petitioner-Assistant Provident Fund Commissioner, Employees Provident Fund Organisation, Coimbatore has conveniently slept over this issue for more than three years. Hence, this Court also finds no reasonable cause, leave alone sufficient cause, to entertain the writ petitions. Accordingly, these writ petitions filed after three years delay are dismissed, on the ground of laches. Consequently, W.M.P.Nos.38288 to 38298 of 2017 are also dismissed.

Sd/-

Assistant Registrar(CS V)

//True copy//

Sub Assistant Registrar

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To

1. The Presiding Officer
Employees Provident Fund Appellate Tribunal
Scope Minar Core-II
4th Floor, Lakshmi Nagar
New Delhi 110 092

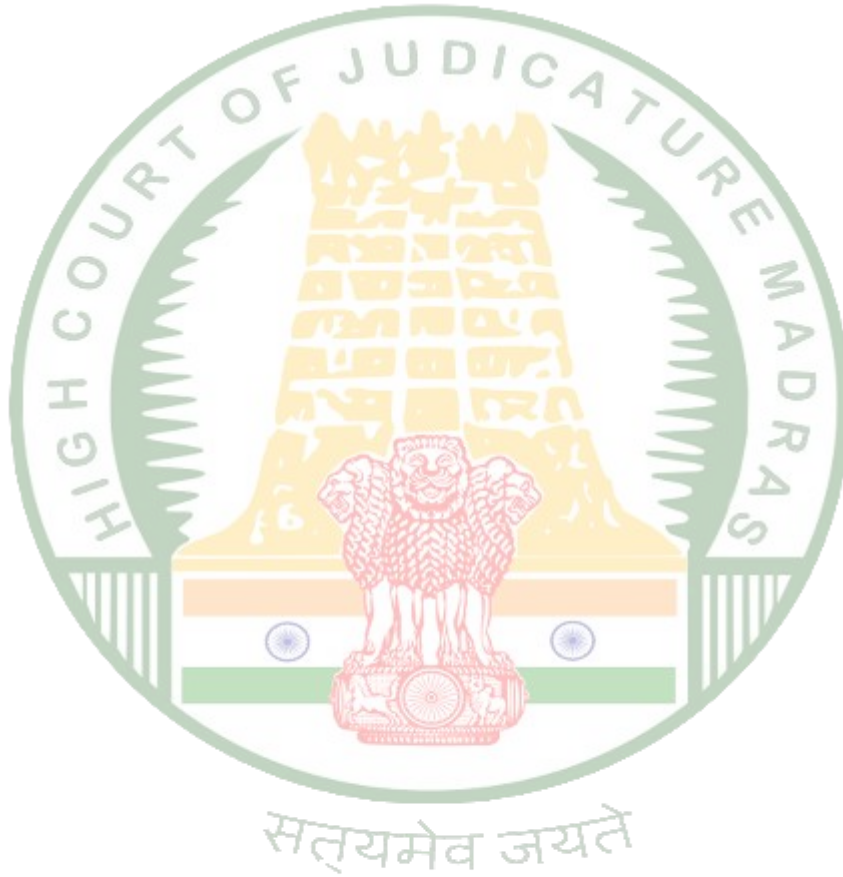
2. The Assistant Provident Fund Commissioner
Employees Provident Fund Organisation
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Dr.Balasundaram Road
Coimbatore 641 018

3.The Regional Provident Fund Commissioner,
Employees Provident Fund Organisation,
Regional Office, Bharishyandhi Bhavan,
Dr.Balasundaran Road, Coimbatore- 641 018.

+1cc to Mr.R.Meenakshi, Advocate SR.No.1069

W.P.Nos.34447 to 34457 of 2017

KK(CO)
GN(29/01/2018)



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