

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.05.2018

CORAM

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.11785 of 2018
and W.M.P.No.13757 of 2018

Geetha Ramakrishna Spinning
Mill Employees Trade Union
rep. by its Secretary ...Petitioner

. Vs.

1.The Assistant Provident Fund
Commissioner and Recovery Officer,
Office of the Provident Fund,
Regional Office, S.J. Plaza,
Swarnapuri, Salem - 636 004.

2.The Management of Geetha
Ramakrishna Spinning Mills
Private Limited rep. by its
Managing Director,
Jalagandapuram Post - 636 501.
Mettur Taluk, Salem
District.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India, praying to issue a Writ of Mandamus,
directing the respondents not to sell the property belongs to
the management of second respondent factory in Survey
Nos.121/1A, 121/3A, 124/2A and 129/2 situated at Surapalli
Village, Mettur Taluk, Jalakandapuram Deputy Registrar Office,
Mettur Road, Jalakandapuram, Salem District and machineries till
the disposal of I.D.No.24 of 2017.

For Petitioner : Mr.K.Sudalaikannu

ORDER

This writ petition, seeking mandamus to prevent the first
respondent Provident Fund Authority from bringing the property
of the mill for auction to recover the statutory due, is filed

in the name of the employees trade union on the pretext that the labour dispute is pending before the Court and before any decision in the labour dispute, the property of the mill should not be alienated.

2.A perusal of the affidavit and the impugned order indicates that pursuant to the statutory due towards the provident fund contribution, the first respondent/Provident Fund Authority has proposed to auction the property of the mill. Being the statutory due, the first charge is towards them and further more, the auction is for the recovery of the employers contribution, which is in turn going to ultimately help the employees.

3.The petitioner herein, who claims to be the Secretary of the trade union of the said mill cannot have any grievance over the said proceedings of the Provident Fund authorities since collection of the provident fund from the employer will in turn accrue to the employees G.P.F. This Court could find that under the garb of writ petition in the name of employees union, the management is trying to stall the auction proceedings initiated by the authorities viz., the first respondent. Hence the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Vacation Officer /Assistant Registrar

//True copy//

Sub Assistant Registrar

mmi

To

The Assistant Provident Fund
Commissioner and Recovery Officer,
Office of the Provident Fund,
Regional Office, S.J. Plaza,
Swarnapuri, Salem - 636 004.

W.P.No.11785 of 2018

MR (CO)
GN (10/05/2018)