

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.31531 of 2015
and
M.P.Nos. 1 & 2 of 2015

M/s.Sumangala Steel (P) Ltd.,
Rep.by its General Manager, K.Vijayakumar,
PIPDIC Industrial Estate, Mettupalayam,
Puducherry-605 009. ..Petitioner

..Vs..

- 1.Assistant Provident Fund Commissioner (Comp),
Employees' Provident Fund Organisation,
Ministry of Labour-Govt. Of India,
Sub-Regional Office,
No.101, 100 Feet Road Cholan Nagar,
Olandai Keerapalayam, Puducherry-605 004.
- 2.Regional Provident Fund Commissioner-II,
Employees' Provident Fund Organisation,
Sri Venni Commercial Complex,
No.101, 100 feet Road, Cholan Nagar,
Olandai Keerapalayam, Puducherry-605 004.
- 3.Axis Bank,
Corporate Banking,
Branch Karumuthu Nilayam,
Anna Salai, Chennai-600 002. ..Respondents.

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorified Mandamus calling for the records of the 2nd respondent in proceedings No.TBPDY/TBPDY0000409000/7A/TBPDY 1583 and quash its order dated 25.09.2015 and direct the 2nd respondent not to initiate any recovery proceedings against the petitioner till the appeal time prescribed under Section 7-I of the EPF Act is over.

For Petitioner : Mr.S.Ravindran
Senior Counsel
for Mr.S.Bazeer Ahamed

For Respondents: Ms.V.J.Latha for R-1 & R-2
No Appearance for R-3
ORDER

The learned senior counsel appearing on behalf of the writ petitioner states that the interim order passed by this Court had been complied with. Subsequently, an appeal was also filed before the Tribunal, and the same is pending.

2.The learned senior counsel further states that there is no Presiding Officer as of now in the Tribunal. Therefore, till the proceedings are concerned before the Tribunal, no coercive action ought to be initiated by the respondents. In this view of the matter, the parties are at liberty to adjudicate the matter on merits before the Tribunal in the appeal already filed by the writ petitioner. However, coercive action need not be taken till the Presiding Officer is appointed, and a date is fixed for hearing of the appeal.

3.Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

ASSISTANT REGISTRAR

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1.Assistant Provident Fund Commissioner (Comp),
Employees' Provident Fund Organisation,
Ministry of Labour-Govt. Of India,
Sub-Regional Office,
No.101, 100 Feet Road Cholan Nagar,
Olandai Keerapalayam,
Puducherry-605 004.

2.Regional Provident Fund Commissioner-II,
Employees' Provident Fund Organisation,
Sri Venni Commercial Complex,
No.101, 100 feet Road, Cholan Nagar,
Olandai Keerapalayam,
Puducherry-605 004.

+1 CC to Mr. Ms.V.J.Latha Advocate SR.NO.31528

+1 CC to Mr.S.Bazeer Ahamed Advocate SR.NO.31418

W.P.No.31531 of 2015

VG(II)

VC (06/05/2018)