

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22641 of 2013

and

M.P.No. 1 of 2013

M/s. GMMCO Limited,
6, G.S.T. Road,
Chennai - 600 016.
rep by its Executive Vice-President
(Finance and Systems) ... Petitioner

-vs-

The Regional Provident Fund Commissioner - II
(Compliance)
Employees Provident Fund Organisation
Regional Office Tambaram
3, Rajaji Salai,
Chennai 600 045 ... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus forbearing the respondent from continuing proceedings in TB/TAM/RO/19698/Enf/ T-2/2013 and direct the respondent from continuing the enquiry till such time the pronouncement of the judgment of the Supreme Court on the issue.

For Petitioner :: Mr.G.Anand
for M/s.T.S.Gopalan and Co.

For Respondent :: Mr.K.Ramu

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O R D E R

The notice issued under Section 7(A) of the Employees Provident Fund Act is under challenge in this writ petition.

2. The learned counsel appearing on behalf of the respondent now made a submission that during the pendency of the writ petition, the competent authority namely Regional Provident Fund Commissioner passed a final order under Section 7 (A) of the Employees Provident Fund Act imposing recovery in respect of all the allowances, in respect of certain employees whose names are enrolled with the respondent organisation, and the defects in

respect of the non enrollment of certain employees by the management.

3. It is left open to the competent authority to proceed with all further actions in accordance with the Act and Rules. However, in respect of the disputed allowances which is now subjudice by the Hon'ble Supreme Court of India, the same shall not be recovered till the final disposal of the case pending before the Hon'ble Supreme Court of India. The final decision in respect of the disputed allowances shall be kept in abeyance till such time. All other allowances in respect of non enrollment of the names of certain employees with the issuances or the actions of the Acts and Rules may be proceeded with by the competent authorities.

4. With these observations, the writ petition stands disposed of. Hence the connected miscellaneous petition is closed. However, there shall be no order as to costs.

msv

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

The Regional Provident Fund Commissioner - II
(Compliance)
Employees Provident Fund Organisation
Regional Office Tambaram
3, Rajaji Salai,
Chennai 600 045

+lcc to M/s.T.S.Gopalan & Co., Advocate Sr.No.41752

+lcc to Mr.K.Ramu, Advocate Sr.No.41628

KJI (CO)

sm:12.7.2018

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and

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