

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2018

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.7492 of 2016

and

W.M.P.Nos.6708 & 6709 of 2016

Ariyalur Municipality,
Ariyalur & District,
represented by its Commissioner

...Petitioner

Vs.

1. The Secretary,
Department of Ministry of Labour & Employment,
New Delhi.

2.The Central Provident Fund Commissioner,
EPF Organization,
Bhavishya Nidhi Bhavan,
No.14, Bhikaji Cama Place,
New Delhi.

3. The Employees Provident Fund Organization,
Sub-Regional Office,
SREE Complex, "D" Block,
18, Madurai Road, Tiruchirappalli 620 008,
by its Enforcement Officer.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari calling for the records of the 3rd Respondent pertaining to the communication, vide letter Ref. No.TN/81891/B-1/TN-SRO-TRY/ 2013 dated 31.01.2013 sent to the petitioner Municipality and quash the same.

For Petitioner : Mr.P.Sanjai Gandhi

For Respondents : M/s.R.Meenakshi [For R2 & R3]
No appearance [For R1]

O R D E R

The notice issued by the Enforcement Officer in proceedings dated 31.01.2013 is under challenge in this writ petition.

2. The writ petitioner is Ariyalur Municipality represented

by its Commissioner. The Employees Provident Fund Organization in order to conduct an enquiry under the provisions of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 [for brevity the "EPF & MP Act"] issued a notice to the Commissioner, Ariyalur Municipality and directed to provide certain informations and submit certain documents in respect of the employees working in the Ariyalur Municipality. Challenging the said notice the present writ petition is filed.

3. The notice impugned states that the writ petitioner Municipality is instructed to produce 1) the Attendance Registers, Wages / Salary Registers for all Staff / workers including Casual, Piece rated, daily rated, weekly / fortnightly, monthly rated employees engaged directly and engaged on contract or through the contractor whose P.F. dues have been remitted in this code No., 2) Profit and Loss account and Audited Balance sheet with connected ledgers along with returns submitted to the Income Tax Department annually and Form 26Q return submitted Quarterly, 3. Day Book, Cash Book and Vouchers or Bills, Trial Balance and connected Ledgers for the period Audit is not yet completed and 4. Quadruplicate copies of remitted Challans, Form 12A, Form 5/10, Form 3A/6A and other related returns such as print out of ECR, E-challan, Form 11 and Joint Declaration etc. for the last three years or uninspected period.

4. On perusal of the said notice, this Court is of an opinion that the writ petitioner being a Municipality is bound to submit all these records for inspection and for the purpose of ascertaining the factual details. The writ petitioner cannot refuse to submit such important documents for the purpose of conducting an enquiry under the provisions of the EPF & MP Act.

5. At this juncture, when this Court expressed an opinion that there is no infirmity as such in respect of the impugned notice and the writ petition is liable to be rejected, the learned counsel for the writ petitioner states that he would prefer to withdraw the writ petition.

6. Accordingly, permission granted and the writ petition stands dismissed as withdrawn. Consequently, the connected miscellaneous petitions are closed. However, there is no order as to costs.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

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To

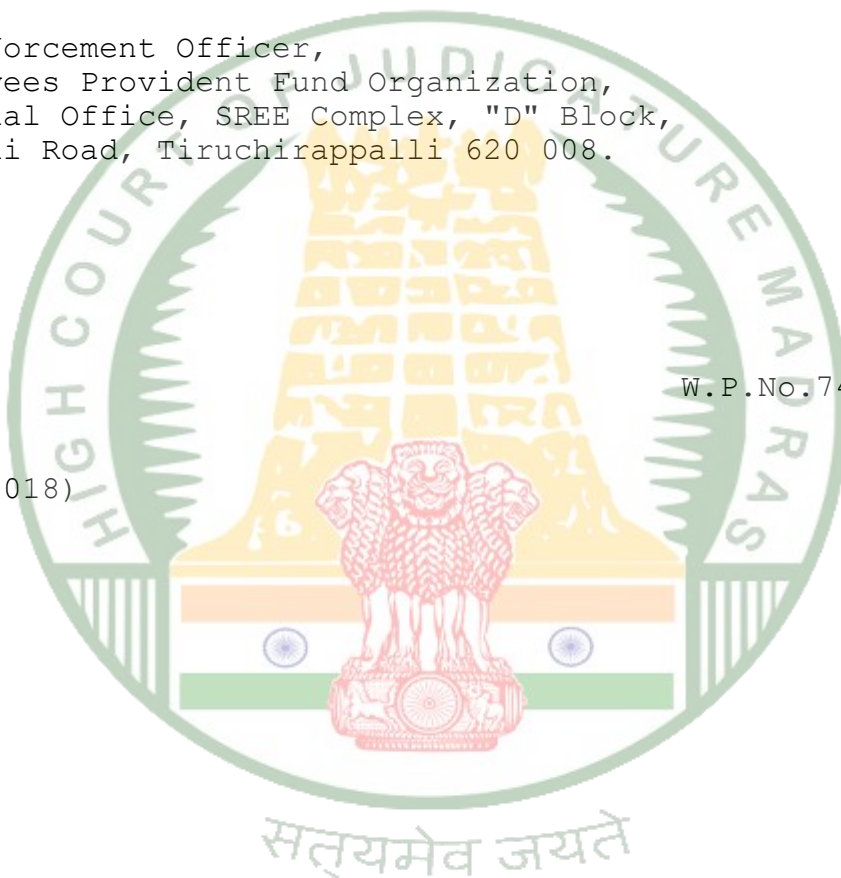
1. The Secretary,
Department of Ministry of Labour & Employment,
New Delhi.

2.The Central Provident Fund Commissioner,
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3. The Enforcement Officer,
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SP(08/05/2018)



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