

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.11.2018
CORAM:
THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
W.P.No.16558 of 2017
and
WMP.No.17921 of 2017

St.Thomas Mount cum Pallavaram
Cantonment Board
Rep. by the Chief Executive Officer
St.Thomas Mount
Chennai-600 016.

..Petitioner

Vs

1.The Assistant Provident Fund
Commissioner (C&R)
Employees' Provident Fund Organization
Regional Office - Tambaram
No.3, Rajaji Salai,
Chennai-600 045.

2.The Recovery Officer
Employees' Provident Fund Organization
Regional Office - Tambaram
No.3, Rajaji Salai,
Chennai-600 045.

3.The Presiding Officer & Head of Department
of the Central Government Industrial Tribunal
-cum-Labour Court,
1st Floor, B-Wing
No.26, Haddows Road,
Shastri Bhawan, Chennai-600 006.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the 2nd respondent from taking any coercive action in pursuant to the order passed by the 1st respondent vide their letter No.TB/TAM/RO/63799/Div-II/PDC/2017 dated 18.04.2017 under Section 14B and 7Q of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (hereinafter called the EPF Act) until the appeal and the stay petition preferred by the petitioner under Section 7-I of the EPF Act are taken on record by the 3rd respondent.

For Petitioner : Mr.C.Mohan
For Respondents: Mr.K.Ramu
for R1 & R3

O R D E R

This writ petition is filed seeking for issuance of a mandamus, forbearing the 2nd respondent from taking any

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coercive action in pursuant to the order passed by the 1st respondent vide their letter No.TB/TAM/RO/63799/Div-II/PDC/2017 dated 18.04.2017 under Sections 14B and 7Q of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (hereinafter called the EPF Act) until the appeal and the stay petition preferred by the petitioner under Section 7-I of the EPF Act are taken on record by the 3rd respondent.

2. The learned counsel for the petitioner circulated a letter to Registry on 15.11.2018, stating as follows:

"In the subject writ petition, we represent the petitioner. The writ petition was filed pertaining to the proceedings of the respondents 1 & 2 vide their order dated 18.04.2017 made in Letter No.TB/TAM/RO/63799/Div-II/PDC/2017. The writ petition was filed primarily on the ground that there was no Tribunal for PF cases to hear the statutory appeal on the date of such filing of the writ petition. Accordingly, the writ petition came to be heard and vide interim order dated 30.06.2017, interim stay was granted. Thereafter upon constituting of the Tribunal before the Central Government Industrial Tribunal Cum Labour Court, Chennai, regular appeal was filed under Section 7-I was preferred before the 3rd respondent and matter heard and stay obtained on 18.07.2017. The said appeal in E.P.F.A.No.8 of 2017 was still pending, interim orders extended during the hearing on 13.11.2018. The petitioner will pursue the statutory appeal filed in E.P.F.A.No.8 of 2017 before the 3rd respondent in the manner known to law. Accordingly, the subject writ petition shall be listed for recording this letter and withdrawal. Kindly, post the matter suitably."

3. Today, this writ petition is listed under the caption "for withdrawal."

4. It is represented by both sides, that the Presiding Officer/3rd respondent has already been appointed and that the petitioner will pursue the appeal before the 3rd respondent.

Granting such liberty, this writ petition is dismissed as withdrawn. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

mk

To

1. The Assistant Provident Fund Commissioner (C&R)
Employees' Provident Fund Organization
Regional Office - Tambaram
No.3, Rajaji Salai,
Chennai-600 045.
2. The Recovery Officer
Employees' Provident Fund Organization
Regional Office - Tambaram
No.3, Rajaji Salai,
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3. The Presiding Officer & Head of Department
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-cum-Labour Court,
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No.26, Haddows Road,
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+2cc to M/s.King & Partridge, Advocate SR.NO.78542

sm:20.11.2018

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