

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2018

CORAM
THE HON'BLE DR.JUSTICE S.VIMALA

W.P.NO.25562 of 2018

M/s.20 Cube Logistics Pvt Ltd
rep.by its Assistant Vice President - DNA
Navins WSS Towers, 9th Floor, 107-108
Harris Road, Pudupet, Chennai - 600 002. Petitioner

Vs

The Assistant Provident Fund Commissioner
Employees' Provident Fund Organization
Regional Office, 37, Royapettah High Road
Chennai-600 014. Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondent from initiating recovery proceedings against the petitioner in terms of its order No.CHN/TN/48464/Chennai-I/Div 17/Enf/2018 dated 31.08.2018 till the appeal filed by the petitioner before the Central Government Industrial Tribunal, Chennai is taken up for hearing.

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

O R D E R

The petitioner herein has filed the writ petition seeking direction to the respondent not to proceed with recovery proceedings against the petitioner in terms of its order dated 31.08.2018, till the Presiding Officer is appointed in the Central Government Industrial Tribunal cum Labour Court.

2. It is stated that the Central Government Industrial Tribunal cum Labour Court is not functioning as of now for want of Presiding Officer. It is not disputed that the Presiding Officer is yet to be appointed. On account of the non appointment, the petitioners are not able to prosecute the case before the tribunal. During the interregnum period the respondents are taking some coercive action against the writ petitioner, which is sought to be restrained by filing this writ petition.

3. As it is admitted that the Presiding Officer is yet to be appointed in the Central Government Industrial Tribunal cum Labour Court, this Court is inclined to consider the relief as such sought for in this writ petition.

4. Thus, the respondent is directed not to initiate any coercive action till the Presiding Officer is appointed in the Central Government Industrial Tribunal cum Labour Court and the stay petition is taken up for enquiry. Accordingly, this writ petition stands disposed of. Consequently, connected W.M.P. is closed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

kst

To

The Assistant Provident Fund Commissioner
Employees' Provident Fund Organization
Regional Office, 37, Royapettah High Road
Chennai-600 014.

+1cc to Mr.S.Bazeer Ahamed, Advocate, S.R.No.67210

W.P.No.25562 of 2018

SJ(CO)

rrs 28/09/2018

सत्यमेव जयते

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