

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.NO.27836 of 2018 and W.M.P.No.32355 of 2018

M/s.Gammon India Limited  
New No.3, Old No.41, Subbaraya Nagar Main Road  
I Floor, Brown Star Hotel Back side (Samiyar Madam)  
Kodambakkam, Chennai 600 024.  
Rep by its Senior Manager .. Petitioner

Vs

The Regional Provident Fund Commissioner - I  
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 proceeding in terms of its order dated 23.08.2018 in Proceedings No.TN/CHN-1/(84104)/D-25/PDC/2018 passed under Section 14B of the EPF Act, till such time the appeal filed by the petitioner before the Central Government Industrial Tribunal cum Labour Court, Shastri Bhavan, Chennai 600 006 is taken up for hearing.

For Petitioner : Mr.Haroon Al Rasheed  
for M/s.T.S.Gopalan & Co.,

For Respondents : Mr.V.Sundareswaran  
Standing Counsel for EPFO

O R D E R

The petitioner herein has filed the writ petition seeking direction to the respondent not to proceed with further proceedings 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 respondents are 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, connect miscellaneous petition W.M.P.No.32355 of 2018 is closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

kst

To

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

Copy To:

The Registrar,  
The Central Government Industrial Tribunal cum Labour Court,  
Shastri Bhavan, Chennai 600 006.

+1cc to M/s.T.S.Gopalan & Co., Advocate Sr.No.72590

W.P.No.27836 of 2018

MG(CO)  
CSL/12.11.2018