



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2018

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THE HON'BLE DR.JUSTICE S.VIMALA

W.P.NO.27151 of 2018

M/s.Tamil Nadu Industrial Explosives Ltd
rep.by its Managing Director, TEL Post
Katpadi, Vellore - 632 059. Petitioner

Vs

- 1.The Assistant Provident Fund Commissioner
Employees' Provident Fund Organization
Regional Office, 37, Royapettah High Road
Chennai-600 014.
- 2.The Recovery Officer
Employees Provident Fund Organization
Regional Office, Sathuvachari,
Vellore-632 009. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondent not to take any coercive action in pursuance to the order in TN/VLR/23108/RECY/2018/2855 dated 14.09.2018 for recovery of Rs.8,29,70,097.00 towards damages and interest issued by the second respondent and consequently to lift the attachment already made as per the order of attachment of immovable property in TN/VL/ 23108/RECY/2018 dated 24.5.2018 of the second respondent pending disposal of the appeal filed before the Central Government Industrial Tribunal cum Labour Court.

For Petitioner: Mr.K.V.Subramanian, Senior Counsel
Senior Counsel

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 appeal filed by the petitioner is taken up for enquiry. Accordingly, this writ petition stands disposed of.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

kst
To

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

2.The Recovery Officer
Employees Provident Fund Organization
Regional Office, Sathuvachari, Vellore-632 009.

+1cc to M/S.K.V.Subramanian, Advocate Sr.71322

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srg 29/10/2018