

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.NO.29102 of 2018

M/s.Naihaa Retail Private Limited
Rep.by its Managing Director Mr.R.Arvind
Ramas Aalayam New No.31, Rajabather Street
T.Nagar, Chennai - 600 017. 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 their men, officers, Agents, Servants, Representative or any one claiming through or under them or any other person from proceeding any further in terms of its 14B and 7Q order dated 13.06.2017 in Proceedings No.TN/5784/D-25/MAS/TDC/2017 till disposal of appeal filed by the petitioner on the file of the Central Industrial Tribunal cum Labour Court, Appellate authority under the EPF Act, Chennai.

For Petitioner : Mr.S.Ezhil Raj
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 take coercive 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. No costs.

-s/d-

Assistant Registrar(CS-IV)

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.

+1 CC to Mr.S. Ezhil Raj, Advocate sr 75940.

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KAN(CO)
SP(02/11/2018)