

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.29865 of 2018
and W.M.P.No.34867 of 2018

M/s.Expo Freight (P) Ltd.,
No.29, Josier Street,
Nungambakkam, Chennai - 600 034.
Represented by its
National Lead - H.R. &
Administration. ... Petitioner
Vs.

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

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India, praying for issuance of Writ of
Mandamus to forbear the respondent from Proceeding any further
in terms of its order dated 07.08.2018 in Proceedings No.TN/
(40183)/D-22/M AS/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.S.Haroon Md Rasheed
for M/s.T.S.Gopalan and Co.
For Respondent : Mr.T.R.Sundaram, EPF

O R D E R

The present Writ Petition has been filed for issuance of
a Writ of Mandamus to forbear the respondent from proceeding
any further in terms of its order dated 07.08.2018 in
Proceedings No.TN/(40183)/D-22/M AS/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.

2. According to the Writ Petitioner, challenging the
order passed by the respondent herein, an appeal has been
filed before the Central Government Industrial Tribunal-cum-
Labour Court, which is the appellate authority under the
Employees Provident Fund and Miscellaneous Act, 1956. However,
the post of the Presiding Officer is lying vacant since

September, 2017, and as of now, approximately about 400 cases are pending before the appellate authority and therefore, the Writ Petitioner has filed an appeal along with the stay application and waiver application under Section 17(i) of the Employees Provident Fund Appellate Tribunal Rules.

3. The learned Standing Counsel appearing for the respondent would submit that in similar matters, the Writ Petitioner approached this Court for the same relief, since the Presiding Officer post was vacant at that time. Now, the Presiding Officer has been appointed by the Government to dispose of the appeals.

4. This Court, in earlier occasion, has already passed the order in W.P.No.10816 of 2018, dated 26.04.2018 and therefore, this Court is inclined to pass the following orders:-

(i) An appeal filed by the Writ Petitioner on 17.10.2018, if it is otherwise in order, the same shall be numbered along with the stay application and waiver application.

(ii) The Tribunal is directed to consider the stay application and waiver application as expeditiously as possible preferably within a period of twelve (12) weeks from the date of receipt of a copy of this order. Till such time, the respondent shall not take any coercive action against the petitioner.

5. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

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

+ 1 cc to Mr.T.R. sundaram, Advocate Sr.80094

+ 1 cc to M/s. T.S. Gopalan & Co., Sr.79222

W.P.No.29865 of 2018 and
W.M.P.No.34867 of 2018

SPD(CO)
EU(14/12/2018)