



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.1849 of 2018

and

W.M.P.(MD).Nos.1983 & 1984 of 2018

M/s.Velammal Educational Trust,
Represented by its Chairman,
Mr.M.V.Muthuramalingam,
Vellammal Village, Tuticorin Ring Road,
Aunpanandi, Madurai-625 009.

... Petitioner

Vs.

The Regional Provident Fund Commissioner-I,
Employees' Provident Fund Organisation,
Regional Office,
No.1, Lady Doak College Road,
Chokkikulam, Madurai-625 002.

... Respondent

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to quash the portion of impugned order of the respondent in reference No.TN/RO/MDU/59816/M-5/PDC/LD/2018, dated 19.01.2018 that "amount of damages should be paid by the aforesaid employer in to respective Employees' Provident Fund accounts maintained at State Bank within seven days receipt of the order failing which action will be taken under Section 8 of the Act to recover the amount without further notice" and to issue such other appropriate directions or orders to the respondent.

For Petitioner : Mr.M.N.Ramkumar
For Respondent : Mr.Venkateswaran

ORDER

Heard the learned counsel on either side.

2.By consent of both the parties, the main Writ Petition is taken up for final disposal.

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3.The petitioner is an Establishment covered by the provisions



of Employees' Provident Funds and Miscellaneous Provisions Act, 1952. The respondent has passed an order on 19.01.2018 under Section 14(B) of Employees' Provident Funds and Miscellaneous Provisions Act, 1952, levying damages.

4.The petitioner has the statutory right of appeal to go before the Appellate Tribunal. It is beyond dispute that though papers are being received by the office of the Tribunal, the Tribunal itself is not functioning. In the meanwhile, the respondent has proposed to initiate coercive action against the petitioner. Therefore, it is directed that the order passed under Section 14(B) of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, shall be kept in abeyance till the Appellate Tribunal resumes its quasi judicial functioning.

4.The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

The Regional Provident Fund Commissioner-I,
Employees' Provident Fund Organisation,
Regional Office,
No.1, Lady Doak College Road,
Chokkikulam, Madurai-625 002.

+ 1 CC TO Mr.M.N.RAMKUMAR, ADVOCATE IN SR No. 46017
+ 1 CC TO Mr.V.S.V.VENKATESWARAN, ADVOCATE IN SR No. 45805

TSG
TE/SV-MMS/SAR-1 : 05/02/2018 : 2P/4C

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