



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 09.03.2018  
CORAM  
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) .No.5121 of 2018  
and  
W.M.P (MD) Nos.5095 and 5096 of 2018

Tuticorin Alkali Chemicals and Fertilizers Limited,  
Harbour Construction Road,  
Muthiahpuram, Tuticorin-628005,  
Represented by tis Company Secretary. ...Petitioner

Vs.

1.The Regional Employees Provident Fund Commissioner-I,  
Employees Provident Fund Organisation,  
Bhavishya Nidhi Bhavan, NGO B Colony,  
Tirunelveli-627 007.

2.The Presiding Officer,  
The Central Government Industrial Tribunal cum  
Labour Court,  
1st Floor, B-wing, 26 Haddows Road,  
Shastri Bhawan, Nungambakkam,  
Chennai-600 006.

3.The Branch Manager,  
State Bank of India, SPIC Nagar Branch,  
Tiruchendur Salai, Muthiahpuram,  
Tuticorin-628 005. ...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the first respondent from initiating any further proceedings in terms of order dated 12.01.2018 in proceedings No MD/.TNY / 20106 /14B /PDC(2) / 2018 and MD / TNY / 20106 / 7Q / PDC(2) / 2018 and consequential recovery notice dated 27.02.2018 in proceedings No.MD/TNY/PDC/(2)/ 20106/2018, till such time the appeal filed by the petitioner is taken up for hearing by the second respondent.

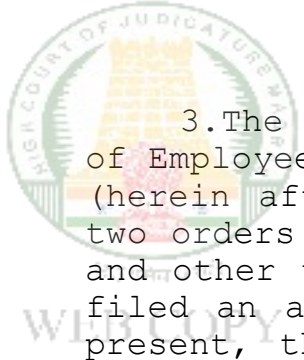
For Petitioner : Mr.Anand Gopalan  
for M/s.T.S.Gopalan and Co  
For Respondents : Mr.Murali Shankar  
For R1 & R2

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ORDER

Mr.Muralishankar, learned counsel, takes notice for the respondents 1 and 2.

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



3.The petitioner is an Establishment covered by the provisions of Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (herein after referred to as the 'Act'). The petitioner suffered two orders dated 12.01.2018, one under Section 7Q of the said 'Act' and other under Section 14B of the said 'Act'. The petitioner has filed an appeal within 60 days before the Appellate Tribunal. At present, the Tribunal is not functioning, because the post of the Presiding Officer is vacant.

4.The learned counsel appearing for the petitioner submits that the petitioner has already preferred an appeal and since the Appellate Tribunal is not functioning, the said petition cannot be taken up in the foreseeable future. In the mean while, the authorities have passed an order, dated 12.01.2018 and attached the petitioner's bank account. This is clearly impermissible in law. The authorities ought to have waited for the expiry of the appeal period.

5.In this case, even before the expiry of the appeal period, since action was taken the impugned order of attachment is quashed. The authorities are directed to keep the order, dated 12.01.2018, both under Sections 14B and 7Q of the said 'Act' in abeyance.

6.The learned counsel appearing for the petitioner submits that a sum of Rs.20,000,00/- has already been appropriated by the Employment Provident Fund Authorities.

7.The order attaching the petitioner's Bank Account is set aside. The order passed under Section 14(B) of the said Act is directed to be kept in abeyance, till the appeal petition filed by the petitioner before the appellate tribunal is disposed of. It is made clear that the order passed under Section 7Q of the said act shall be kept in abeyance till 20.03.2018.

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

Sd/

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

The Presiding Officer,

The Central Government Industrial Tribunal cum Labour Court,  
1st Floor, B-wing, 26 Haddows Road,  
Shastri Bhawan, Nungambakkam, Chennai-600 006.

+1cc to Mr.K.MURALI SANKAR Advocate, SR.No.54054

+1cc to Mr.T.S.GOPALAN & CO Advocate, SR.No.54489

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