



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.11.2018

CORAM :

THE HONOURABLE MR. JUSTICE C. SARAVANAN

W.P. (MD) No. 9380 of 2014

and

M.P. (MD) No. 1 of 2014

M/s. Sujatha Jewellery
33, Big Street,
Kumbakonam,
Thanjavur District through its
Proprietor

... Petitioner

vs.

The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organization,
Sub Regional Office,
No. 18, Sri Complex, Madurai Road,
Trichy - 8.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorarified Mandamus, to call for the records from the file of the respondent herein in No. D4/TN/TR/76348/SRO-TRY/ENF/2014 dated 07.05.2014 and to quash the same and to direct the respondent to fix the date of hearing in relating to the petition dated 28.03.2014 filed by the petitioner under Sec 7A(4) of the EPF Act to set aside the exparte order dated 29.11.2012 and to provide opportunity to the petitioner and decide the matter on merits and to quash the cost imposed through the order in No. D4/TN/TR/76348/SRO/TRY/2012 dated 03.09.2012

For Petitioner	: Mr.M.R.Sreenivasan
For Respondent	: Mr.V.S.Karthi

ORDER

It is noticed from the records of the documents filed before this Court that the impugned order came to be passed in the absence of the petitioner, though several notices were issued to the petitioner.

2.The respondent has directed the petitioner to remit a sum of Rs.3,82,128/- on account of the Employees Provident Fund/Insurance Fund Contribution etc.

3.The learned counsel for the respondent submitted that the impugned order is appealable before the Employees Provident Fund Appellate Tribunal, New Delhi and therefore, this writ petition is liable to be dismissed on account the alternative remedy before the Appellate Tribunal.



4.It is noticed that the petitioner was 77 years at the time of filing this writ petition had certain health issues as averred in the affidavit and therefore, he could not effectively make representation before the respondent, who passed the impugned order.

5.Considering the overall circumstances, I am of the view, ends of justice would be met if the case is remitted back to the respondent for denovo consideration of the issue by the respondent subject to the condition that the petitioner remits a sum of Rs.1 lakh to the respondent, within a period of 4 weeks from the date of receipt of a copy of this order and the respondent shall thereafter call upon the petitioner and pass a speaking order, within a period of four weeks.

6.This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-I)

+1cc to P.Chandra Bose,Advocate Sr.No.97219

+1cc to Mr.V.S.Karthi, Advocate Sr.No.96674

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KM/BK/SAR1/18.12.2018/2P/3C

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