



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) Nos.19714 and 19715 of 2017

and

W.M.P. (MD) Nos.15992, 15993, 18329 and 18330 of 2017

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W.P. (MD) No.19714 of 2017

Tamil Nadu Generation and
Distribution Corporation Ltd.,
(formerly known as Tamil Nadu
Electricity Board)
Tirunelveli Electricity Distribution Circle,
Anna Building, Thiyagaraja Nagar,
Tirunelveli-627 011
represented by Superintending Engineer

... Petitioner

Vs

1.The Regional Provident Fund Commissioner
Office of the Regional Provident Fund Organisation
Bhavishya Nidhi Bhawan
NGO B Colony, Tirunelveli - 627 007.

2.Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
Bhavishya Nidhi Bhavan,
NGO B Colony,
Tirunelveli 627 007.

3.The Secretary,
COTEE (CITU)
Sivanthi Patti Road,
Maharaja Nagar,
Tirunelveli- 627 011.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in Proceedings No.TN/TNY/TNEB/55650/CD-1/T-14/2017 dated 13.10.2017, quash the same and direct the second respondent to entertain the review application of the petitioner in Lr.No:-021322/361/Adm. IV/A.2/2017-2 dated 30.08.2017, further direct the second respondent to claim contribution only in respect of identifiable employees.

For petitioner

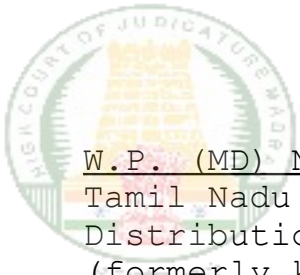
: Ms. P. Malini

<https://hcservices.ecourts.gov.in/hcservices/>

Senior Counsel

For R-1 to R-2

: Mr.K.Murali Shankar



W.P. (MD) No.19715 of 2017

Tamil Nadu Generation and
Distribution Corporation Ltd.,
(formerly known as Tamil Nadu
Electricity Board)
Kanyakumari Electricity Distribution Circle,
T.V.M.Road, Parvathipuram, Nagercoil-629 003
represented by Superintending Engineer.

... Petitioner

Vs

1.The Regional Provident Fund Commissioner
Office of the Regional Provident Fund Organisation
Sub Regional Office,
No.66, Water tank Road,
Nagercoil - 629 001.

2.Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
Bhavishya Nidhi Bhavan,
NGO B Colony,
Tirunelveli 627 007.

3.The Secretary,
COTEE (CITU)
51, Meenakshipuram Road,
Nagercoil,
Kanyakumari District.

4.The Division Secretary,
TMTM Sangam,
TNEB Distillery Road,
Vadasery, Nagercoil,
Kanyakumari District.

5.The Regional Secretary,
COTEE,
EB Workers Central Union,
Sivanthipatti Road,
Maharajanagar,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in proceedings No.TN/MD/NGL/55649/Enf (C-31)2017 dated 27.09.2017, quash the same and direct the first respondent to entertain the review application of the petitioner in Letter No.013384/380/ Admn.III/D.2/2017 dated 30.08.2017, further direct the first respondent to claim contribution only in respect of identifiable employees.



For petitioner

: Ms. P. Malini
Senior Counsel

For R-1 to R-2

: Mr.K.Murali Shankar
(in both petitions)

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COMMON ORDER

By consent of both parties, the main writ petitions are taken up for final disposal at the stage of admission itself.

2. Heard Ms. P. Malini, learned Senior counsel appearing for the petitioner and Mr.K.Murali Shankar, appearing for the first and second respondents.

3.TANGEDCO is the writ petitioner in both the cases. In W.P. (MD)No.19714 of 2017, the matter pertains to Tirunelveli Region, the other writ petition relates to Nagercoil region. Applications for review were filed in both the cases before the respective Provident Fund Authorities. Both the review petitions were dismissed. Aggrieved by the same, TANGEDCO has filed these writ petitions.

4.The specific contention of the learned counsel appearing for the writ petitioners is that the final order relating to the review application does not deal with the contentions putforth by them during the course of the hearing of the review application. The learned counsel would also submit that the conditions imposed by this Court for depositing 25% of the amount claim and for furnishing of Bank guarantee for another 25% has been complied with. Taking note of the aforesaid compliance of the condition imposed by this Court and also the fact that the impugned orders do not reflect the contention urged by the writ petitioners in the review petitions, this Court is inclined to quash the orders impugned in the writ petitions. The matters are remitted to the file of the respective second respondent. The second respondent shall reconsider all the issues raised by the writ petitioner/review applicant by providing due opportunity and thereafter final orders shall be passed on merits and in accordance with law.

5.Accordingly, these writ petitions stand allowed. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar



To:

1. The Regional Provident Fund Commissioner
Office of the Regional Provident Fund Organisation
Bhavishya Nidhi Bhawan
NGO B Colony, Tirunelveli - 627 007.

2. Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
Bhavishya Nidhi Bhavan,
NGO B Colony, Tirunelveli 627 007.

3. The Secretary,
COTEE (CITU)
Sivanthi Patti Road,
Maharaja Nagar,
Tirunelveli- 627 011.

4. The Regional Provident Fund Commissioner
Office of the Regional Provident Fund Organisation
Sub Regional Office,
No.66, Water tank Road,
Nagercoil - 629 001.

5. The Secretary, COTEE (CITU)
51, Meenakshipuram Road,
Nagercoil, Kanyakumari District.

6. The Division Secretary,
TMTM Sangam, TNEB Distillery Road,
Vadasery, Nagercoil,
Kanyakumari District.

7. The Regional Secretary,
COTEE, EB Workers Central Union,
Sivanthipatti Road, Maharajanagar,
Tirunelveli District.

+One cc to M/s.T.S.Gopalan, Advocate, SR.No.42604

+One cc to mr.K.Muralishankar, Advocate, SR.No.42584

pnn/kmi

RL/10C/4P/KK/SAR1/14/2/2018

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and

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