WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.04.2018**

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A(MD)NO.1736 OF 2011
and
M.P(MD)No.1 of 2011

B.Sundari,
Wife of Balakrishnan,
Proprietor,
Veni Roadways,
7,Subramanyaswami Kovil Street,
Kulavanigarpuram,
Tirunelveli District. :Appellant/Petitioner/petitioner

.vs.

The Assistant Provident Fund Commissioner,
E.P.F. Organization,
Sub-Regional Office,
N.G.O.''B'' Colony,
Tirunelveli District. : Respondent/Respondent/
Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in M.P(MD)No.1 of 2011 in W.P(MD)No.14315 of 2011, dated 15.12.2011.

Prayer in MP(MD). 1/ 2011 in WP(MD).14315/2011 :

To STAY the operation of the impugned order of the Respondent in File No.TN/TNY/55635/Enf./Circle 11/14105/2011, dated 07-12-2011 pending disposal ofo the WP.

Prayer in WP(MD). 14315/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARI, to call for the records of the impugned order of the Respondent in File No.TN/TNY/55635/Enf./Circle 11/14105/2011, dated 07-12-2011 and quash the same.

For Appellant :Mr.S.Kumar
for M/s.H.Arumugam

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

For Respondent :Mr.K.Murali Sankar

WEB COPY

JUDGEMENT
****

[Judgement of the Court was made by **K.RAVICHANDRABAABU,J.**]

This Writ Appeal is directed against the conditional interim order passed in the Writ Petition.

2.The appellant as the Writ Petitioner, challenged the order of the respondent calling upon the Petitioner to pay a sum of Rs.44,74,905/- in the respective heads of E.P.F. Accounts. The learned Judge, while considering the interim application filed by the Writ Petitioner seeking for stay of the impugned order, passed a conditional order on 15.12.2011 granting stay of the impugned order subject to payment of pre-deposit of 1/4th of Rs.44,74,905/-. Challenging the said order of the learned Single Judge, the present Writ Appeal is filed by the Writ Petitioner.

3.In this Writ Appeal, an interim order was passed on 23.12.2011 staying the order of the learned Single Judge insofar as the condition imposed to deposit the pre-deposit amount due towards Employees Provident Fund alone. The said interim order is still in force.

4.Heard both sides.

5.There is no dispute to the fact that the conditional interim order passed by the learned Single Judge was not by considering the merits of the matter and however, as an interim measure. The fact remains that the said condition imposed in the interim order was stayed by this Court as early as on 23.12.2011 and the said stay is still in force. Therefore, we are of the considered view that instead of going into the merits of the matter in this appeal to find out and decide as to whether the Petitioner is liable to pay the amount so directed to be deposited or not, the Writ Court can take up the main Writ Petition itself and decide the same, so that a finality would reach on the merits of the matter.

6.Therefore, without expressing any view on the merits and contentions raised by both the parties, the Writ Appeal stands disposed of by requesting the Writ Court to take up the main Writ Petition itself and dispose of the same on merits and in accordance with law, preferably within a period of eight weeks, since the Writ Petition is of the year 2011. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(w)

/True copy/

Sub Assistant Registrar

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

WEB COPY

To

The Assistant Provident Fund Commissioner,
E.P.F. Organization,
Sub-Regional Office,
N.G.O.''B'' Colony,
Tirunelveli District.

+ 1 CC TO MR.H.Arumugam , ADVOCATE IN SR No.62137
+ 1 CC TO MR.K.Murali Shankar , ADVOCATE IN SR No.61848

vsn
KK/SV MMS/SAR 2/17/05/2018/3P/4C

JUDGEMENT MADE IN
W.A(MD)NO.1736 OF 2011
and
M.P(MD)No.1 of 2011
18.04.2018

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