

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.25641 OF 2018

ORDER:

This writ petition is filed challenging the impugned order dated 06.06.2018 issued by the respondent – Regional P.F.Commissioner, Employees Provident Fund Organisation.

Heard learned counsel for the petitioner who submits that in pursuance to the adjournment notice dated 04.06.2018 issued by the respondent with regard to inquiry initiated against the petitioner under Section 7 A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (*for short 'the Act'*), the petitioner counsel who filed vakalat for the petitioner before the respondent, sought for time by addressing a letter dated 06.06.2018. But, without considering the same, the respondent passed impugned order dated 06.06.2018 determining an amount of Rs.2,11,04,909/- and also directed the petitioner to pay the said amount towards Provident Fund Contribution for the period from September, 2014 to April, 2016. Aggrieved by the same, present writ petition is filed.

On the other hand learned Standing Counsel for the respondent organisation submits that petitioner has alternate remedy of review under Section 7(B) & 7 (C) and appeal under Section 7(I) of the Act; that the inquiry started in the year 2016 and the matter underwent several adjournments; and that the impugned order itself indicates that the objections of the petitioner

have been considered. He also submits that when effective remedies are available under the Act, the writ petition need not be entertained. He relied on the common order dated 07.06.2011 passed by the Madras High Court in ***The Management of Reynolds Pens India Private Limited v. The Regional Provident Fund commissioner*** in WP.Nos.15823 of 2011 and batch.

In this case it is to be seen that the inquiry initiated against the petitioner under Section 7 A of the Act for determination of the dues, was pending before the respondent from the year 2016 and the said inquiry underwent several adjournments. A reading of the impugned order goes to show that the submissions of the petitioner establishment as well as Department were deliberated.

In view of the same, I do not see any reason to entertain the writ petition since petitioner has alternate remedy of review under Sections 7 (B) & 7 (C) and appeal under Section 7(I) of the Act.

Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

02.08.2018
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