

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11560 of 2012

and

M.P.No.1 of 2012 & M.P.No.1 of 2015

G.Robinson

..Petitioner

Vs.

1. The Commissioner,
Employment Provident Fund Organization
No.3, Rajaji Salai,
Chennai - 600 045
2. The Assistant Commissioner,
Employment Provident Fund Organization
Regional Office, Tambaram,
Chennai.
3. M/s.Garrison Engineer,
IAF Station,
East Tambaram,
Chennai - 600 059

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relevant to the order in No.TN/RO/TBM/60288/Enf/Recy/T-7/2012 dated 09-01-2012 passed by the 2nd respondent, quash the same as illegal, improper, arbitrary, against the rule of law and principles of natural justice.

For Petitioner : No appearance

For Respondents : Mr.R.Vishnu
For Mr.K.Ramu
[For R1 & R2]

No appearance for R3

O R D E R

The order dated 09.01.2012 passed by the 2nd respondent under Section 8F of the 'Employees' Provident Funds and Miscellaneous Provisions Act 1952' [hereinafter referred to as 'EPF & MP' Act] is under challenge in the present writ petition.

2. The learned counsel appearing on behalf of the respondent Organization brought to the notice of this Court that the writ petition itself is not maintainable in view of the fact that the consequential order passed under Section 8F of the EPF & MP Act in proceedings dated 09.01.2012 is challenged in the present writ petition.

3. However, the original order passed by the respondent under Section 7A of the EPF & MP Act has not been challenged by the writ petitioner. The original order under Section 7A was passed by the competent authority on 15.12.2008 has not been challenged and the consequential recovery order passed under Section 8F of the EPF & MP Act is challenged after a lapse of so many years. In the absence of not challenging the original order, the writ petition cannot be maintained against the consequential order passed under Section 8F of the EPF & MP Act. The writ petition is filed, challenging the consequential order in order to get the relief, which is otherwise not maintainable.

4. Accordingly, the writ petitioner has not set out any acceptable ground for the purpose of granting the relief as such sought for in the present writ petition. Thus, the writ petition is devoid of merits and the same stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1. The Commissioner,
Employment Provident Fund Organization
No.3, Rajaji Salai,
Chennai - 600 045

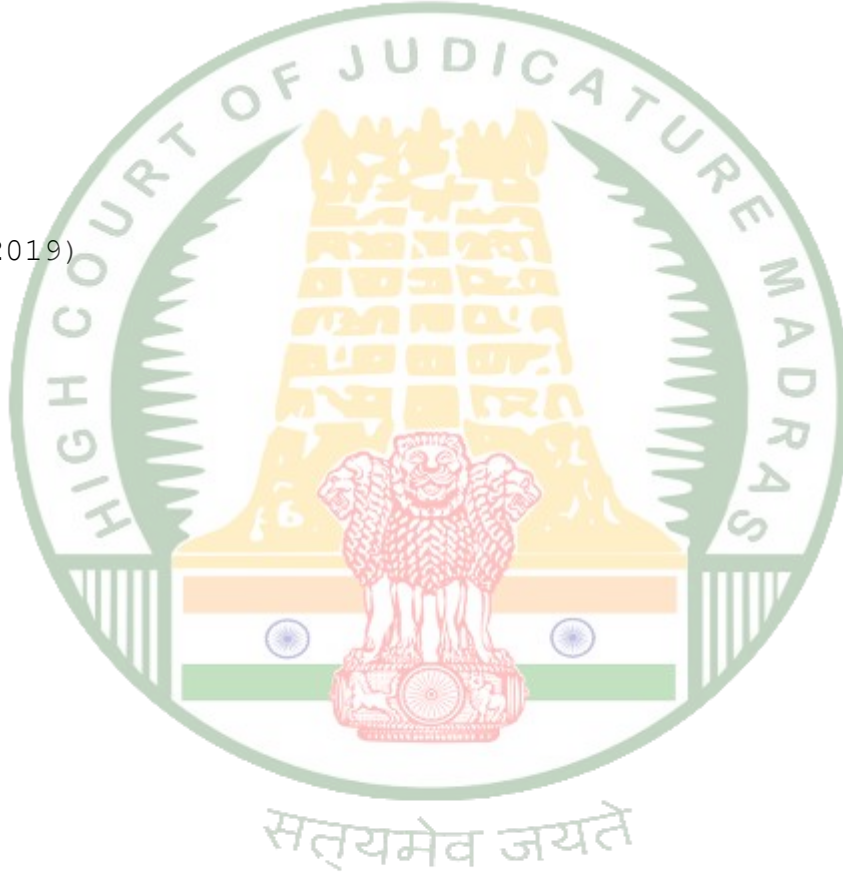
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2.The Assistant Commissioner,
Employment Provident Fund Organization
Regional Office, Tambaram,
Chennai.

+1 CC to Mr.K.Ramu, Advocate sr 97313

W.P.No.11560 of 2012

BS (CO)
SP (27/12/2019)



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