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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.A.No. 2050 of 2013

1. The Regional Provident Fund Commissioner-II
Employees' Provident Fund Organisation
37, Royapettah High Road
Chennai - 600 014.
 2. The Enforcement Officer
Employees' Provident Fund Organisation
37, Royapettah High Road,
Chennai - 600 014.
- Appellants / Respondents

Vs.

M/s. GVK Emergency Management and Research Institute
Government KG Hospital for Women and Children
Chennai - 600 005.
Rep. by its Head-HR

Respondent/Petitioner

Writ Appeal filed under Clause 15 of Letters Patent against the order passed in W.P.No. 22658 of 2013 dated 16.08.2013.

W.P.No. 22656 of 2013: Writ Petition filed under Article 226 of the Constitution of India for the issuance of writ of prohibiting the respondents their agents servants subordinates representatives successors or assigns from implementing/giving effect to the order Ref. No. CC3 (26)/TN/54904/DOS/Regl./2013 dated Nil passed by the 1st respondent till the expiry of statutory period of 60days for filing the Appeal before the Employees Provident Fund Appellate Tribunal provided under Rule 7 (2) of the Employees Provident Fund Appellate Tribunal Rules 1997.

For Appellant : No appearance

For Respondent : Mr.K.Rajasekaran



J U D G M E N T
(Delivered by DR.VINEET KOTHARI, J)

None present for the appellants.

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2. Mr.K.Rajasekaran, learned counsel appearing for the respondent is present. He submits that by the impugned order of the learned Single Judge dated 16.08.2013, the learned Single Judge had only directed that the impugned order may not be given effect till 07.10.2013 as the period for filing appeal would expire on 07.10.2013. He further submits that the Appeal filed by the employer is pending before the Employees Provident Fund Appellate Tribunal under Rule 7(2) of the Employees' Provident Fund Appellate Tribunal Rules, 1997 read with Section 7-I of the Act.

3. We have considered his submissions. We are of the view that the present Appeal has become infructuous as the date prescribed by the learned Single Judge, namely dated 07.10.2013 has expired long back and the Appeal is pending before the competent forum to be decided in accordance with law.

4. The Writ Appeal is dismissed as infructuous. No costs.

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

Sub Assistant Registrar

vsg

To

Head-HR

M/s. GVK Emergency Management and Research Institute
Government KG Hospital for Women and Children
Chennai - 600 005.

+1cc to Mr.K.Rajasekaran, Advocate, S.R.No. 47653

W.A.No. 2050 of 2013

RSV(CO)
GN(08/07/2019)