

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2019

CORAM

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

W.P.No.12318 of 2016

The Commissioner,
Avadi Municipality,
Avadi - 600 054.

..Petitioner

Vs.

1. The Secretary,
Department of Ministry of Labour & Employment,
New Delhi.
2. The Central Provident Fund Commissioner,
Employees Provident Fund Organisation,
Bhavishya Nadhi Bhawan,
14, Bhikaji Cama Place,
New Delhi - 110 066.
3. The Regional Provident Fund Commissioner,
Employees Provident Fund Organisation,
Sub Regional Office,
R-40, A-1, TNHB Shopping cum office complex,
Mugappair Road, Mugappair East,
Chennai - 600 037.
4. The Chief Manager,
Indian Bank, Avadi Branch,
112, New Military Road, Avadi,
Chennai - 600 054.

(R4 impleaded as per order dated 21.04.2016
in WMP.No.12159/2016)

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling records of the first respondent dated 08.01.2011 and the consequential impugned proceedings in TN/SRO/AMB/68179/CC-1/A-4/2015 dated 21.12.2015 passed by the 3rd respondent and quash the same.

For Petitioner : Mr.P.Srinivas

For Respondents : No Appearance (for R1)
Mr.J.Sathya Narayana Prasad (for R2,R3)

O R D E R

The writ petition is filed by the Commissioner, Avadi Municipality, challenging the order passed by the first respondent dated 08.01.2011 under Section 7(A) of the Employees Provident Funds and Miscellaneous Provisions Act, 1952. Admittedly, the writ petitioner has not filed any statutory appeal under Section 7(i) of the EPF Act. Thus, the writ petition filed without exhausting the statutory remedy cannot be entertained. This apart, the learned counsel for the respondent Organization submitted a copy of the Government order dated 19.08.2016, wherein, the Government sent a letter to the Commissioner of Municipal Administration, Chepauk, Chennai, stating that the Commissioner of Municipal Administration shall advise all the Municipal Corporations / Councils in the State to share the details of contractors/contracts awarded by them in the principal employer portal available in the website of EPFO ([www.epfindia.gov.in/For Employers/For Principal Employers](http://www.epfindia.gov.in/For_Employers/For_Principal_Employers)) to facilitate the extension of social security benefits to all eligible persons.

2. Pursuant to the letter of the Government, the Commissioner of Municipal Administration, Chepauk, Chennai, sent a circular dated 19.10.2016 to all the Corporation Commissioners, RDMA's, all Municipal Commissioners and Municipal Commissioner, Bodinayakanur, wherein, the copy of the Government letter was enclosed and all concerned are directed to take necessary action in connection with implementation of the provisions of the Employees Provident Fund and Miscellaneous Provisions Act 1952 and the scheme framed there under in respect of employees of Municipal and Corporation and send a report directly to the Employees provident Fund Organization concerned, with a copy marked to the office of the Commissioner Municipal Administration. This apart, the Government made it clear that all the writ petitions filed in this regard shall be withdrawn. This being the Government letter and circular issued to all the Municipalities and Corporations, this court is of an opinion that, the present writ petition deserves no merit consideration.

3. Further, the Municipalities are now brought under the purview of the Employees Provident Fund and Miscellaneous

Provisions Act 1952 and therefore, the writ petitioner is bound to provide records and informations to the Authorities of the Employee Provident Fund, enabling them to conduct enquiry adjudicating the issues and take all further actions by following the procedures contemplated under the Employees Provident Fund and Miscellaneous Provisions Act 1952.

4. With these observations, the writ petition stands dismissed. No Costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

pkn

To

1. The Secretary,
Department of Ministry of Labour & Employment,
New Delhi.
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4. The Chief Manager,
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+1cc to M/s.P.Srinivas, Advocate sr.100284

+1cc to Mr.J.Sathya Narayana Prasad, Advocate sr.99753

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bp(co)

nr 20/01/2020

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