

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.16555 of 2005 and
W.P.M.P.No.18031 of 2005

Tiruchirapalli Consumer's Co-operative
Wholesale Stores Ltd., No.r.619,
(Chinthamani Co-operative Super Market)
Rep. by its General Manager,
12/1, E.V.R.Road, Puthur,
Tiruchirappalli -17 ... Petitioner

Vs

1. The Regional Provident Fund Commissioner,
No.20, Royapettah High Road,
Chennai - 600 014.
2. The Asst. P.F. Commissioner/
Recovery Officer,
Employee's Provident Fund Orgn.,
Sub-Regional Office.
Trichy - 620 008. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to pass an order of Writ of Mandamus, directing the first respondent to hear and pass an orders on the appeal petition dated 05.05.2005, filed by the petitioner's stores against the prohibitory orders of the second respondent dated 02.05.2005 by way of freezing the bank accounts of the petitioner's stores and forbearing the respondents herein from initiating any coercive action against the petitioner viz. Tiruchirappallil Consumer's Co-operative Wholesale Stores Ltd., for non payment of the contribution under the PF.

For Petitioner : Mr.N.Thiagarajan

For Respondents: Mrs.V.J.Latha

O R D E R

The prayer in the present writ petition is for a direction to the first respondent to pass orders on the petitioner's representation dated 05.05.2005 under Section 7A of the Employees Provident Fund Act.

2. Today, when the matter is called, it is brought to the notice of this Court that the appeal petition which is the subject matter of the present writ petition has already been disposed of and as such the prayer sought for in this writ petition has become infructuous.

3. At this juncture, the learned counsel for the petitioner brought to the notice of this Court that the respondents had levied interest on the belated contribution under Section 7(Q) of the Employees' Provident Fund Act. When the same was to put under challenge, this Court by an order dated 22.02.2018 passed in W.P.No.2798 of 2018, had permitted the petitioner to pay the interest on the principle contribution, in 60 equal monthly instalments, which the petitioner claims to have complied with. Insofar as the damages claimed against the petitioner is concerned, he claims to have filed an appeal before the Appellate Tribunal (W.A.No.2497 of 2017) and the same is also pending. The said submissions are hereby recorded.

4. In view of the fact that the appeal petition dated 05.05.2005 under Section 7 A of the Employees Provident Fund Act has already been disposed of, no effective orders can be passed in this writ petition and accordingly, the writ petition stands closed. Consequently, connected miscellaneous petition is closed. No costs.

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Sd/-
Assistant Registrar

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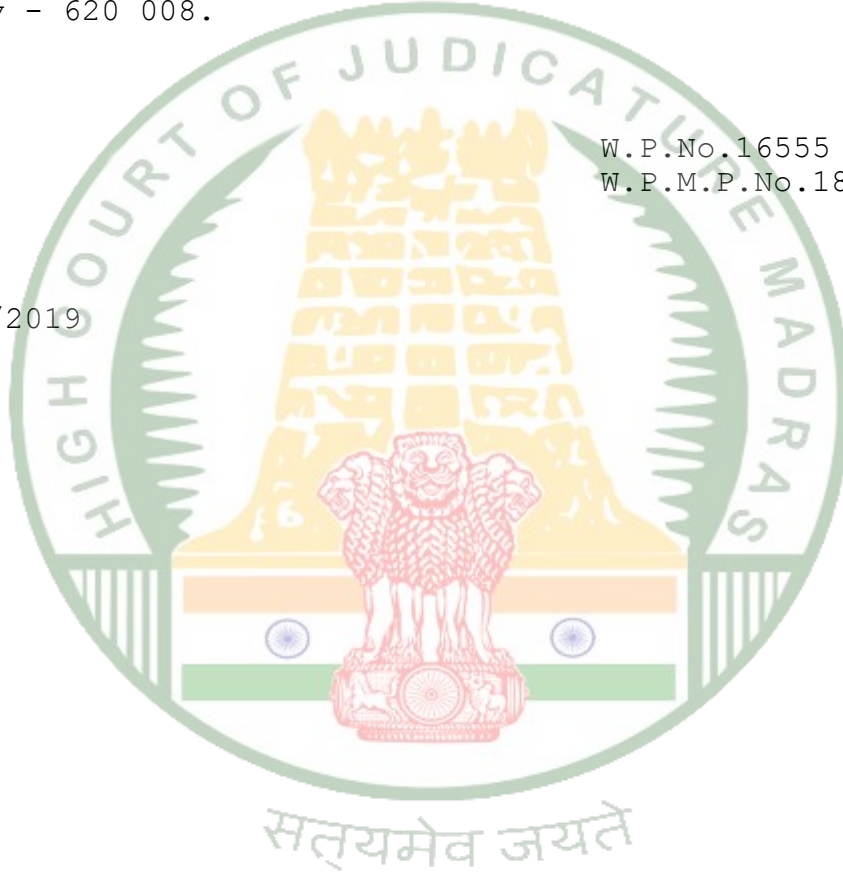
Sub Assistant Registrar

vum
To

1. The Regional Provident Fund Commissioner,
No.20, Royapettah High Road,
Chennai - 600 014.
2. The Asst. P.F. Commissioner/
Recovery Officer,
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