

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.19669 of 2015
and
M.P.Nos.1 & 2 of 2015
and
W.M.P.No.3174 of 2019

M/s Krishnasamy Matriculation
School of Excellence rep by its Secretary
Dr.K.Rajendran,
Maruthadu Road, S.Kumarapuram,
Cuddalore.

...Petitioner

Vs.

1. The Authorised Officer,
Employees' Provident Fund Organisation,
Post Box No.588, Sree Complex, D Block,
No.18, Madurai Road,
Trichy 620008.
2. The Recovery Officer,
Sub Regional Office,
Post Box No.588, Sree Complex, D Block,
No.18, Madurai Road,
Trichy 620008.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records in pursuant to the impugned order issued by the 1st respondent in proceedings RRC No.CBTRY5048/0081473/14/05/2015/522/35 dated 14.05.2015 and quash the same.

For Petitioner : Mr.G.Sankaran

For Respondents : Mrs. VJ Latha

O R D E R

The petitioner is aggrieved against the proceedings dated 14.05.2015, which is nothing but a certificate issued under

Section 8 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, certifying that the sum of Rs.1,28,096/- is due from the petitioner against Assessment Levy of Damages under Section 14B/Interest on account belated remittance of E.P.F., E.P.S., E.D.L.I. Dues.

2. Heard both sides.

3. It is represented by the learned counsel appearing for the respondents that what is challenged is only a consequential proceedings and that the petitioner has already challenged the main proceedings imposing the penal damages, by way of filing an appeal before the competent authority. Therefore, it is contended that it is for the petitioner to work out his remedy before the Appellate Authority, where the challenge against the main proceedings is pending.

5. When such being the factual position, I do not think that the petitioner is entitled to maintain the present writ petition, especially, when the petitioner has admittedly chosen to challenge the main proceedings before the Appellate Authority.

6. Accordingly, this Writ Petition is disposed of, without expressing any view on the merits of the claim of the petitioner. However, by granting liberty to the petitioner to work out his remedy before the Appellate Authority by raising all the points, as raised in this writ petition. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

sni

To

1. The Authorised Officer,
Employees' Provident Fund Organisation,
Post Box No.588, Sree Complex, D Block,
No.18, Madurai Road,
Trichy 620008.

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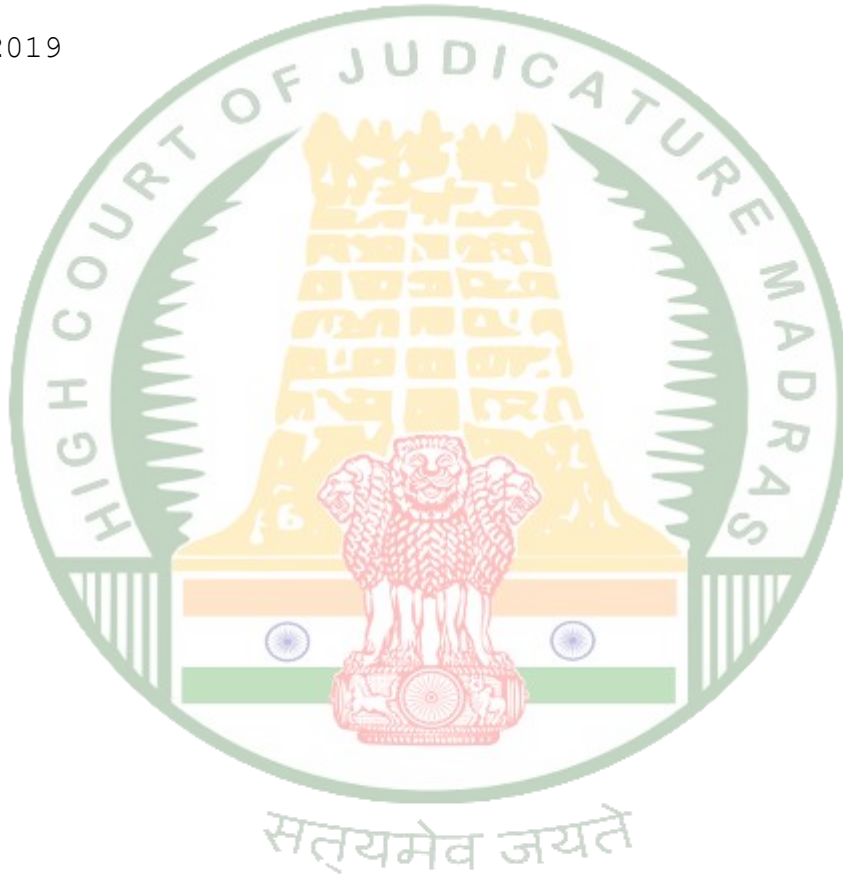
2. The Recovery Officer,
Sub Regional Office,
Post Box No.588, Sree Complex, D Block,
No.18, Madurai Road,
Trichy 620008.

+1cc to M/s.V.J.Latha, Advocate sr.32202

+1cc to Mr.G.Sankaran, Advocate sr.32487

W.P.No.19669 of 2015

sai(co)
nr 09/05/2019



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