

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.28142 of 2012

The Commissioner
Tiruppur City Municipal Corporation
Tiruppur

... Petitioner

-Vs-

1. The Regional Provident Fund Commissioner-II
Employees Provident Fund Organisation
Ministry of Labour and Employment
Government of India
Having Regional Office
at Bhavishya Nidhi Bhavan
Dr.Balasundaram Road
Coimbatore - 641 018.

2. Corporation Bank
Represented by the
Assistant General Manager
Tirupur Branch
300/1, Mangalam Road
Tirupur - 641 604

... Respondents

(R2 impleaded as per order dated 03.01.2013 by DHPJ in
M.P.No.1 /2013 in W.P.No.28142 of 2012)

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorari to
call for the records relating to the impugned order passed by
the respondent in No.TN/RO/CBE/86036/ENF/CC-2(30)/2012 dated
30.08.2012 and quash the same.

For petitioner : Mr.G.Sankaran

For Respondents : Mr.J.Sathya Narayana Prasad
for R1

Mr.S.Sethuraman for R2

ORDER

The writ petition is filed challenging the order passed by the Regional Provident Fund Commissioner in proceeding dated 30.08.2012 under Section 7A of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (hereinafter referred to as 'EPF Act').

2. During the pendency of the writ petition, the Government has issued a letter dated 19.08.2016 stating that "all Municipal Corporation/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 to facilitate the extension of social security benefits to all eligible".

3. Pursuant to the Government letter, the Commissioner of Municipal Administration issued a circular in ROC. Lr.No.1819/2016/L3, dated 19.10.2016 stating that necessary action to be taken to implement the provisions of the EPF Act and the schemes framed thereunder in respect of employees of Municipalities and Corporations and send the report directly to the Employees Provident Fund Organization concerned, with a copy marked to the officer of the Municipal Administration.

4. Thus, the Government has taken a decision, which was implemented through the Commissioner of Municipal Administration stating that all the Municipalities are bound to submit their records for the purpose of extending the benefits under the EPF Act to the employees working under the control of Municipality concerned.

5. This being the decision taken by the Government and the Commissioner of Municipal Administration, no further adjudication needs to be entertained in the present writ petition and accordingly, all further actions are to be taken in this regard.

In view of the said factum, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

mp

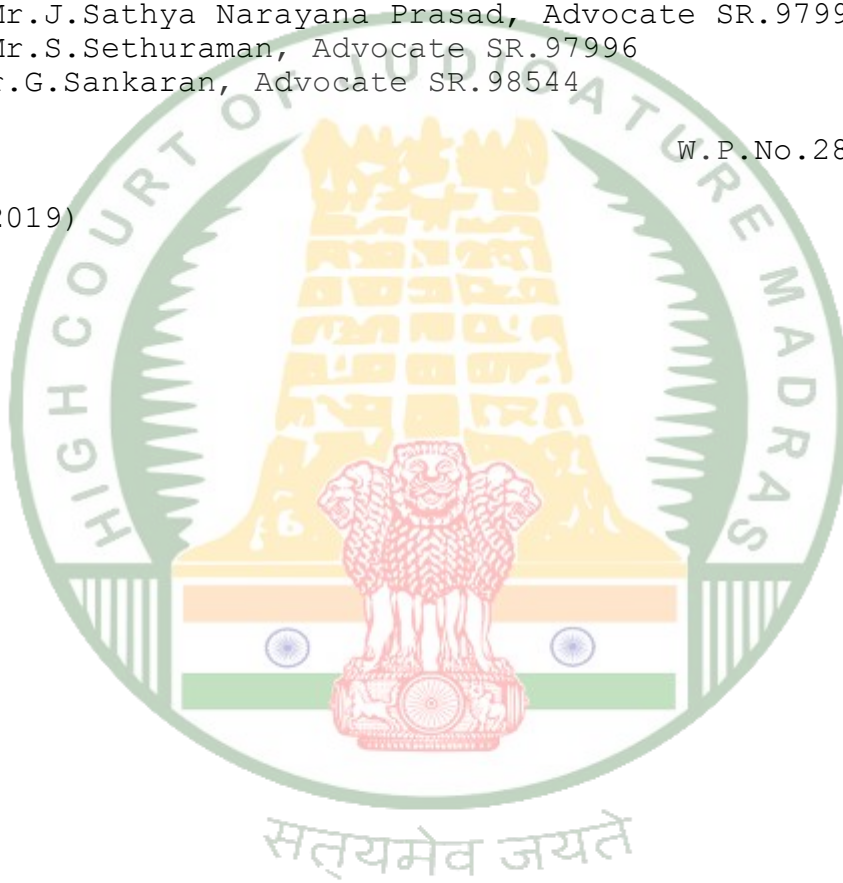
To

The Regional Provident Fund Commissioner-II
Employees Provident Fund Organisation
Ministry of Labour and Employment
Government of India
Having Regional Office
at Bhavishya Nidhi Bhavan
Dr.Balasundaram Road
Coimbatore - 641 018.

+lcc to Mr.J.Sathya Narayana Prasad, Advocate SR.97993
+lcc to Mr.S.Sethuraman, Advocate SR.97996
+lcc to Mr.G.Sankaran, Advocate SR.98544

W.P.No.28142 of 2012

(CO)
CB(17/12/2019)



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