



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.No.2958 of 2012
and M.P.No.2 of 2012

M/s.Sharon Solutions Limited,
Rep., by its Director and Authorized Signatory,
Ms.Uma Maheswari, Having Office at 48/3,
Thomas Nagar, Little Mount,
Saidapet, Chennai-15.

.. Petitioner

-vs-

1.The Assistant Provident Fund
Commissioner (Compliance),
Sri Venni Commercial Complex,
No.101, 100 Feet Road,
Chola Nagar, Puducherry.

2.The Manager,
Federal Bank of India (Near Devi Theatre),
Anna Salai, Chennai-600 002.

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the 1st respondent bearing Order No. CHN/SRO/PONDY/PC/1600/Comp/2011 dated 12.10.2011 and the proceedings bearing Order No.TBM/SRO/PONDY/PC/1600/2011 dated 27.12.2011 of the 1st respondent and quash the same with consequential direction to the 1st respondent to afford an opportunity of being heard to the petitioner pursuant to the petitioner's letter dated 17.01.2012 in a manner known to law.

For Petitioner	:	Mr.Ramaswamy Meyyappan, For Mr.H.Nazirudeen
For Respondents	:	R1 - Ms.V.J.Latha
	:	R2 - Mr.M.Praveen Kumar, For Mr.P.V.Muralidhar

ORDER

The order dated 27.12.2011, passed under Section 8F of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (hereinafter referred to as "the Act") is under challenge in the present writ petition.



2.It is brought to the notice of this Court that 7A order had already been passed by the competent authority and the said order was communicated to the writ petitioner Management. However, no statutory appeal, contemplated under the Act, has been filed by the writ petitioner and therefore, the present writ petition filed challenging the consequential order passed under Section 8F of the Act cannot be entertained at all.

3.The learned counsel appearing on behalf of the writ petitioner made a submission that the order passed under Section 7A of the Act was not communicated to the writ petitioner.

4.If the said statement is true, then the respondents are directed to verify the records regarding the acknowledgement of the order passed under Section 7A and even otherwise communicate one more copy of the 7A order to the writ petitioner Management enabling them to redress their grievances. If the order passed under Section 7A of the Act was already served on the writ petitioner, then the limitation is to be reckoned on that basis. Otherwise, the petitioner is to file an appeal under Section 7I of the Act for redressal of their grievances.

5.With the above clarification, this writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Assistant Provident Fund Commissioner (Compliance),
Sriveeni Commercial Complex, No.101, 100 Feet Road,
Chola Nagar, Puducherry.

+1 cc to M/s.P.Haribabu, Advocate Sr.No. 99015

+1 cc to M/s.V.J.Latha, Advocate Sr.No.98474

AKM/20.01.2020/2P-4C /

W.P.No.2958 of 2012