

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16-09-2019

Coram

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.360 of 2018

- 1.K.Durgachalam
- 2.D.Baskar
- 3.T.Arumugam
- 4.A.Rajendhran
- 5.J.Venkatesan
- 6.V.Murthy
- 7.C.Babu
- 8.M.Vajichravelu
- 9.J.Babu
- 10.M.Sivamurthi
- 11.K.Shanmugam
- 12.V.Mani
- 13.D.Ravichandran
- 14.P.Subramani
- 15.M.Rajendharan
- 16.S.Subramani
- 17.S.Dhayalan
- 18.M.Sekar
- 19.S.Ramachandran
- 20.P.V.Kuppusamy
- 21.S.Jayaseelan

... Petitioners

vs.

- 1.Employees Provident Fund Organization
(Ministry of Labour and Employment,
Government of India),
Sub Regional Office,
S-1, TNHB Phase III,
Sathuvachari,
Vellore - 632 009.
- 2.Sub Regional Provident Fund Commissioner,
Sub Regional Office,
S-1, TNHB Phase III,
Sathuvachari,
Vellore - 632 009.
- 3.The Executive Director,
M/s.Bharat Heavy Electricals Limited,
Indira Gandhi Industrial Complex,

Mukundarayapuram,
Ranipet - 632 406.

4.S.Sundararaj, M.D.,
M/s.R.M.G.Security Private Limited,
Annai Illam, 1st Floor,
Plot No.17/18, Rajiv Nagar,
Kannadykuppam,
Minnur Post - 635 807,
Ambur Taluk,
Vellore District.

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to insist the third respondent to remit provident fund contribution based on the records available in the muster roll of the petitioners from the year 2000 and other dues in respect of the employees employed by or through contractors and thereafter to collect or recover the amount from the fourth respondent under Section 8-A of the Act.

For Petitioners : Mr.S.Arivazhagan

For Respondents-1&2 : Ms.V.J.Latha

For Respondent-3 : Mr.A.V.Arun

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents 1 and 2 to insist the third respondent to remit the provident fund contribution based on the records available in the muster roll of the petitioners from the year 2000 and other dues in respect of the employees employed by or through contractors and thereafter, to collect or recover the amount from the fourth respondent under Section 8-A of the Act.

2. With reference to the relief sought for in the present writ petition, the learned counsel for the respondents 1 and 2 Employees Provident Fund Organization, informed this Court that the dues were already collected under the provisions of the Act and therefore, the relief, as such, sought for in the present writ petition became infructuous.

3. The learned counsel appearing on behalf of the third respondent-Bharat Heavy Electricals Limited also made a submission that they have already paid the contributions to the Employees Provident Fund Organization and as of now there is no due. In view of the fact that the relief sought for in the present writ petition has already been complied with, no further

adjudication needs to be entertained in respect of the grounds raised in the present writ petition.

4. However, the writ petitioners are at liberty to submit their applications/proposals to the competent authority, enabling them to consider their claims. In the event of any such applications/ proposals being submitted by the writ petitioners, the respondents 1 and 2 are directed to consider the same and disburse the amounts by following the procedures contemplated under the Act and the Rules as expeditiously as possible.

5. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Svn
To

1. Employees Provident Fund Organization
(Ministry of Labour and Employment,
Government of India),
Sub Regional Office,
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Sathuvachari,
Vellore - 632 009.
2. Sub Regional Provident Fund Commissioner,
Sub Regional Office,
S-1, TNHB Phase III,
Sathuvachari,
Vellore - 632 009.
3. The Executive Director,
M/s. Bharat Heavy Electricals Limited,
Indira Gandhi Industrial Complex,
Mukundarayapuram,
Ranipet - 632 406..

+1cc to Ms.V.J.Latha, Advocate SR.79662
+1cc to Mr.A.V.Arun, Advocate SR.79410
+1cc to Mr.S.Arivazhagan, Advocate SR.79409

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BS (CO)
CB (15/10/2019)