

IN THE HIGH COURT OF JUDICATURE AT MADRAS

19.03.2019

Coram

The Hon'ble Mr.Justice V.PARTHIBAN

W.P.No.7946 of 2019
and
W.M.P.No.8551 of 2019

M/s.Ganga Foundations Pvt.Ltd.,
New No.69,Paper Mills road,
Nemavathi Complex 2nd Floor,
Perambur, chennai 11. Petitioner

vs.

Employees Provident Fund Organization,
Ministry of Labour and Employment,
Govt.of India,
37 Royapettah High Road,
Chennai-600 014
rep.by the Assistant PF Commissioner Respondent

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarifide mandamus to call for the records in No.TN/(52873) D/23/MAS/PDC/2018, on the file of the Assistant Commissioner, Employees Provident Fund Organization, Ministry of Labour and Employment, Govt. of India, 37 Royapettah High Road, Chennai-600 014, the respondent herein, quash the order dated 17/25/07/2018 passed therein and direct the said authority to provide opportunity to the petitioner to present its case before passing orders under Sec.14(B) of the Employees Provident Fund and Miscellaneous Provisions Act, 1952.

For Petitioner ... Mr.M.R.Raghavan

ORDER

The present writ petition is filed against the order passed by the respondent, dated 17/25.07.2018. According to the petitioner, they have not been given any opportunity before the impugned order came to be issued by the authority. Therefore, there is violation of natural justice and hence, the present writ petition has been filed.

2. When the matter is taken up for hearing, this Court expressed its view that there is an appeal remedy available against the order passed by the respondent under the provisions of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 and without exhausting the same, the present writ petition has been filed. Therefore, this Court is of the considered view that the writ petition is not maintainable and hence, the same is dismissed. However, liberty is given to the petitioner to approach the appellate authority, under the provisions of the the Employees Provident Fund and Miscellaneous Provisions Act, 1952, if so advised. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

msk
To

The Assistant PF Commissioner
Employees Provident Fund Organization,
Ministry of Labour and Employment,
Government of India,
37 Royapettah High Road,
Chennai-600 014

+1cc to Mr.M.R.Raghavan , Advocate SR.No. 25575

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A.SK(14/05/2019)

सत्यमेव जयते

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