

IN THE HIGH COURT OF JUDICATURE AT MADRAS

22.03.2019

Coram

The Hon'ble Mr.Justice V.PARTHIBAN

W.P.No.8655 of 2019

and

W.M.P.Nos.9188 and 9189 of 2019

M/s.Bharathiyar University,
rep.by its Professor-
Registrar Incharge
Mr.Murugan
Maruthamalai Main Road
Coimbatore

... Petitioner

vs.

1.The Regional Provident Fund
Commissioner-II,
Employees Provident Fund Organisation,
Regional Office,
No.101, 100 Feet Road,
Cholan Nagar,
Olandai Keerapalayam,
Puducherry-605 004

2.The Branch Manager,
Bank of India,
Bharathiar University Campus,
Maruthamalai Main Road,
Coimbatore-641 046

... Respondents

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 order dated 11.03.2019 passed in Ref No.TN/RO/CBE/78899/CC-1(14)/8F/2019, on the file of the first respondent herein and to quash the same.

For Petitioner ... Mr.S.Ezhilraj

ORDER

The writ petition has been filed seeking for a writ of certiorari to call for the records relating to the order dated 11.03.2019 passed by the first respondent herein and to quash the same.

2.As against the original order, there is an appeal remedy provided under the provisions of the Employees Provident

Fund and Miscellaneous Provisions Act, 1952 and without exhausting the appeal remedy, the petitioner has approached this Court, by invoking the extraordinary jurisdiction under Article 226 of the Constitution of India. Time and again the Courts have held that when an appeal remedy is provided under the provisions of the particular statute, the same has to be exhausted before approaching this Court invoking writ jurisdiction.

3. According to the learned counsel for the petitioner, the order impugned is only a consequential order passed before the expiry of 60 days period for filing appeal against the original order.

4. This Court is unable to appreciate such argument. It is always open to the petitioner to approach the appellate forum and seek appropriate remedies, including obtaining interim protection, pending disposal of the appeal. It is not certainly open to the petitioner to approach this Court in the collateral proceedings and assail the consequential order passed by the respondent. Therefore, this Court is of the considered view that the writ petition is not maintainable and therefore, the same is dismissed. No costs. Consequently connected miscellaneous petitions are dismissed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

msk

To

1. The Regional Provident Fund

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GJ(CO)

SP(30/04/2019)