

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:24.04.2019

Coram

The Hon'ble Mr.Justice V.PARTHIBAN

W.P.No.11649 of 2019

and

W.M.P.Nos.11882 to 11884 of 2019

M/s.Shakti Transport  
rep. by its Proprietor

.... Petitioner

vs.

1.The Assistant Provident Fund  
Commissioner (Compliance),  
Regional Office, No.37,  
Royapettah High Road, Chennai - 14.

2.The Branch Manager,  
Canara Bank,  
No.150, Habibullah Road,  
T.Nagar, Chennai - 17.

.... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to the impugned order issued by the first respondent in his proceedings in No.CHN-1/28/TN/84342/Comp/8F/Reg1/2018 dated 25.03.2019 and quash the same as illegal consequently direct the second respondent to defreeze the petitioner's A/c No.1283201004014.

For Petitioner

.. Mr.R.Subburaj

ORDER

The writ petition has been filed against the order of the first respondent Organisation seeking payment of P.F. contribution from the petitioner Management.

2.As against the order impugned in the writ petition, an appeal is provided under the provisions of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952. According to the petitioner, a Review has been filed, but without passing any orders in the Review Petition, the first respondent is attempting to freeze the bank account of the petitioner Management.

3. In any case, this Court is unable to entertain the writ petition for the simple reason that effective appeal remedy has been provided under the Act and instead of availing the appeal remedy, the petitioner has chosen to approach this Court directly by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. Even otherwise, the petitioner has chosen to file a Review petition against the order passed by the authority. In such an event, it is open to the petitioner to pursue the Review Petition and it is definitely not open to them to approach this Court in the interregnum, before a decision could be given in the Review Petition.

4. This Court time and again has held that once an effective alternate remedy is provided under the statute, the same has to be exhausted before knocking the doors of this Court, invoking its writ jurisdiction.

5. In this case, not only the Review remedy is availed and the appeal remedy is still open to the petitioner to avail and the petitioner can always avail such remedies. It is open to the petitioner to approach the authority concerned and obtain necessary directions in order to protect its interest pending disposal of the Review or Appeal.

For the above said reasons, this Court finds that the present writ petition is entirely misconceived and the same is not maintainable and therefore, the writ petition is dismissed. No costs. Connected miscellaneous petitions are dismissed.

Sd/-

Assistant Registrar (AD-IV)

//True Copy//

Sub Assistant Registrar

msk

To

1. The Assistant Provident Fund  
Commissioner (Compliance),  
Regional Office, No.37,  
Royapettah High Road, Chennai - 14.

+1cc to Mr. R.Subburaj, Advocate, S.R.No. 38997

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LN (CO)

GN(24/05/2019)