

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.2408 of 2014

M/s Mahindra Holidays and Resorts India Limited
Mahindra Towers,
2nd Floor, 17/18, Patullos Road,
Chennai 600 002
rep.by its S.Sugavanam
Corporate Manager - Legal

..Petitioner

Vs.

The Regional Provident Fund Commissioner-I
Employees Provident Fund Organization,
37, Royapettah High Road,
Chennai - 600 014

..Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the Respondent from continuing proceedings in CHN/TN/CC1/17/36400/Eng/Reg1/2013 and direct the Respondent from continuing the enquiry till such time the pronouncement of the judgment of the Supreme Court on the issue.

For Petitioner : Mr.Haroon AL.Rasheed
For M/s.T.S.Gopalan & Co.

For Respondent : Mr.T.R.Sundaram

O R D E R

The Summon issued under Section 7A of the Employees' Provident Fund and Miscellaneous Provisions Act dated 10.01.2014 is under challenge in the present writ petition.

2. The issue was with reference to the calculation of Special allowance along with the basic wages for fixing the contribution to be paid by the employers. It is brought to the notice of this Court that the action was initiated during the pendency of the issue before the Hon'ble Supreme Court of India.

3. In this regard, the learned counsel for the writ petitioner made a submission that the Hon'ble Supreme Court of India passed an order on 28.02.2019, which was reported in (2019) SCC ONLINE SC 291.

4. In view of the orders passed by the Hon'ble Supreme Court of India, now the Special Allowances are also to be taken into account along with the basic wages for calculating the contributions to be paid by the employers. However, the Notice dated 10.01.2014 is under challenge in the present writ petition.

5. Under these circumstances, the respondent is directed to issue a fresh Notice to the writ petitioner, enabling the writ petitioner to submit their explanations or documents and accordingly, proceed by following the procedures as contemplated under the relevant Act and Rules.

6. With these observations, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

The Regional Provident Fund Commissioner-I
Employees Provident Fund Organization,
37, Royapettah High Road,
Chennai - 600 014

+1cc to Mr.T.S.Gopalan , Advocate SR.No. 97340

+2ccs to Mr.T.R.Sundaram , Advocate SR.No. 97394

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A.SK(22/01/2020)

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