

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.3730 of 2014
and M.P.No.1 of 2014

M/s.JBM Auto System Pvt Ltd.,
No.1, Fort Supplier Park
Kilkarana Village
Singaperumal Koil-603 204
Kacheepuram District
Rep. by its Deputy General Manager (HR &IR)

..Petitioner

Vs

The Regional Provident Fund Commissioner-II
Employees Provident Fund Organisation
Regional Office
3, Rajaji Salai
Chennai-600 045

..Respondent

Prayer:- This Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondent from continuing proceedings in No.TB/TAM/RO/ENF/T-5/40754/2013 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 and Co.

For Respondent : Mr.K.Ramu

ORDER

Today when the matter is taken up for final disposal, the learned counsel appearing for the respondent department would submit that final order has been passed by the respondent-Regional P.F.Commissioner II (C &R) dated 19.05.2014 on the issue and the same was communicated to the Petitioner. A copy of the said order dated 19.05.2014 has been produced before this court.

2. In the light of the above, if the petitioner is aggrieved

by the said order, they have to approach the appropriate authority under section 7A of the Employees Provident Fund and Miscellaneous Provisions Act 1952.

3. The learned counsel for the Petitioner would submit that liberty may be given to the Petitioner to challenge the said order dated 19.05.2014 before the appropriate forum,

4. It is apparent that this court by order dated 07.02.2014, granted interim injunction restraining the respondent from making any demand. However, pointed out that the respondent is at liberty to proceed under Section 7A enquiry.

5. Both parties agreed that recovery proceedings in so far as the allowance could not be initiated till the pronouncement of the Judgment of the Supreme Court on the issue.

6. In view of the submission made by both parties and in the light of the final order passed by the Respondent dated 19.05.2014, the Petitioner is at liberty to approach the appropriate forum, in the manner known to law, subject to satisfaction of delay in filing the appeal, before such forum.

7. This Writ Petition is dismissed with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

nvsri

To

The Regional Provident Fund Commissioner-II
Employees Provident Fund Organisation
Regional Office
3, Rajaji Salai
Chennai-600 045.

+lcc to Mr.T.S.Gopalan & Co, Advocate, S.R.No. 14388

W.P.No.3730 of 2014

SR(CO)
GN(07/05/2019)