

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29911 of 2019

M/s.Mccoy Clothing(P) Limited
3rd Floor, No.2, Thiruvallur Nagar
1st Main Road, Thiruvannamiyur Chennai-60 041
Rep.by its Manager-HR & Admin
Mr.K.Ramanathan

...Petitioner

vs.

The Regional Provident Fund Commissioner-II(PDC)
Employees Provident Fund Organisation,
Regional Office, Tambaram, No.3, Rajaji Salai,
Chennai-600
045.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Chennai, Tamil Nadu in E.P.F.A.No.83 of 2019 quash its order dated 06.09.2019, direct the Central Government Industrial Tribunal cum Labour Court to entertain the appeal filed by the petitioner without any pre-deposit.

For Petitioner : Mr.Anand Gopalan
for T.S.Gopalan & Co.

For Respondents : Mr.T.R.Sundaram

सत्यमेव जयते
O R D E R

The order dated 06.09.2019 passed in E.P.F.A.No.83 of 2019 is sought to be quashed in the present writ petition and a direction is sought for to direct the Central Government Industrial Tribunal-cum-Labour Court, Chennai, to entertain the appeal filed by the writ petitioner without any pre-deposit.

2. It is an admitted fact that the writ petitioner Company is liable to pay damages as per the order of the respondent. The writ petitioner has already preferred an appeal, challenging the damages imposed in E.P.F.A.No.83 of 2019 dated 06.09.2019. The Central Government Industrial Tribunal cum Labour Court granted an interim order on the condition that the petitioner should

deposit a sum of Rs.9,00,000/-. The said order imposing a pre-condition is under challenge in the present writ petition.

3. The order under challenge is an interim order passed by the Central Government Industrial Tribunal cum Labour Court, pending the disposal of the appeal, filed by the writ petitioner.

4. The learned counsel for the writ petitioner states that the writ petitioner/company is in financial crisis and they are not in a position to deposit an amount of Rs.9,00,000/-, as in respect of other proceedings in E.P.F.A.No.581 of 2018 dated 24.07.2019, another Rs.5,00,000/- was directed to be paid by way of pre-deposit for the purpose of entertaining the appeal. Thus, the writ petitioner is constrained to move the present writ petition. The writ petitioner company has already deposited the contributions as well as the interest in its entirety. As far as the damages are concerned, normally the Central Government Industrial Tribunal cum Labour Court would not impose such a condition and therefore, the present impugned order is liable to be scrapped.

5. The learned counsel for the writ petitioner states that in respect of the order dated 24.07.2019 passed in E.P.F.A.No.581 of 2018, this Court passed a final order dated 20.09.2019 in W.P.No.27942 of 2019, stating that the pre-deposit of Rs.5,00,000/- was directed to be paid by the writ petitioner in five equal installments commencing from 01.11.2019 and the petitioner has to deposit the said amount. However, the writ petitioner undertakes that they will deposit this amount also in five equal installments commencing from 1st March 2020, as the earlier installments would complete in March 2020. In view of the undertaking given by the writ petitioner, that they will deposit the amount as per the order of the Central Government Industrial Tribunal cum Labour Court in five equal installments commencing from 1st March 2020, this Court is inclined to pass the following orders:

i. The order impugned dated 06.09.2019 passed in E.P.F.A.No.83 of 2019 is modified to an extent that the pre-condition amount of Rs.9,00,000/- is directed to be paid by the petitioner in five equal installments commencing from 1st March 2020 within a period of six months. If any, default in monthly installments committed, the stay granted by the Labour Court would stand vacated automatically.

ii. The Labour Court is directed to proceed with the main appeal and dispose of the same as expeditiously as possible, without granting any unnecessary adjournments. The parties are also directed to co-operate for an early disposal of the appeal.

6. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

To

1. The Regional Provident Fund Commissioner-II (PDC)
Employees Provident Fund Organisation,
Regional Office, Tambaram, No.3, Rajaji Salai,
Chennai-600 045.

2. The Presiding officer
Central Government Industrial Tribunal-cum- Labour Court
Chennai

+1 CC to Mr.T.S. Gopalan & Co, sr 87666
+1 CC to Mr.K.Ramu, Advocate sr 87890.

W.P.No.29911 of 2019

BS (CO)
SP (03/12/2019)

सत्यमेव जयते

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