

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.11.2019

CORAM

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

W.P.No.22648 of 2017

and

WMP.No.23762 of 2017

The Assistant Provident Fund Commissioner,
Office of the Regional Provident Fund Commissioner,
Bhavishyanidhi Bhavan, Dr.Balasundaram Road,
Coimbatore-641 018.

..Petitioner

vs

1.The Presiding Officer
Employees Provident Fund Appellate Tribunal
Scope Minar Code-II,
4th Floor, Lakshmi Nagar,
New Delhi-110 092.

2. The Director,
M/s.Radhakrishna Mills Ltd.,
Peelamedu, Coimbatore-641 004.

.. Respondents

Prayer: Writ 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 proceedings of the 1st
respondent dated 08.08.2012 in ATA.No.628(13)2012 and 629(13)
2012 and quash the order passed therein.

For Petitioners : M/s.R.Meenakshi

For Respondents : R1-Tribunal

O R D E R

The order passed by the first respondent/Employees Provident
Fund Appellate Tribunal dated 08.08.2012 in A.T.A.Nos.628(13)
2012 and 629 (13) 2012 is under challenge in the present writ
petition.

2. The writ petitioner is the Assistant Provident Fund
Commissioner.

3. The learned counsel for the writ petitioner states that
the writ petitioner/authority issued a show cause notice under
Section 14/7Q of the EPF Act. The learned counsel further stated
that under these circumstances, the appeal under Section 7(I)
would not be maintainable. However, the second respondent

preferred an appeal before the Appellate Tribunal under Section 7(I) of the Act, and the Appellate Tribunal passed an interim order on 08.08.2012, directing the second respondent/Company to deposit a sum of Rs.15,00,000/- , for each of the two cases, with the Tribunal, within eight weeks of this Order. The amount was deposited by the second respondent/Management and the appeal is pending before the Appellate Tribunal.

4. The present writ petition is filed on 17.08.2017, after a lapse of five years, from the date of passing of the interim order by the Appellate Tribunal. The writ petitioner/authority was very much aware of the interim order passed in the year 2012 and they have not taken any action in vacating the interim order by filing further petition before the Court of Law. The lapses committed by the writ petitioner/authority in this regard, is to be deprecated. The authorities are expected to follow the rules and implement the provisions of the EPF Act and they must ensure that the actions under the Act are proceeded by following the procedures and without causing any undue delay.

5. Under these circumstances, this Court is not inclined to entertain the present writ petition. It is made clear that the writ petitioner/authority is at liberty to approach the Appellate Tribunal for vacating the interim order and to dispose of the appeal within a reasonable time as expeditiously as possible. The writ petitioner/authority is at liberty to file appropriate petition in this regard before the Tribunal.

6. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssb

To

1.The Presiding Officer

Employees Provident Fund Appellate Tribunal
Scope Minar Code-II,
4th Floor, Lakshmi Nagar, New Delhi-110 092.

2. The Director,

M/s.Radhakrishna Mills Ltd.,
Peelamedu, Coimbatore-641 004.

+lcc to M/s.R.Meenakshi , Advocate SR.No. 95406

W.P.No.22648 of 2017

ssp

A.SK(09/01/2020)