

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2019

CORAM

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

W.P.No.34108 of 2017
W.M.P.No.37861 of 2017

M/s.PRV Constructions Pvt.Ltd.
Rep.by its General Manager, Engg & Admin
N.Subramanian,
No.6/73, North Silver Street,
St.Thomas Mount,
Chennai-600 016. ... Petitioner

Vs

1. Employees' Provident Fund Organisation,
Rep.by its Regional Provident Fund Commissioner,
Regional Office,
37, Royapettah High Road,
Opposite Swagat Hotel,
Chennai-600 014.
2. Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
37, Royapettah High Road,
Opposite Swagat Hotel,
Chennai-600 014. ... 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 connected with the impugned order No.TN/CHN-II/CC-I/Div.19/TN/40745 dated 27.09.2017 passed by the 2nd respondent and quash the same.

For Petitioner : Mr.D.Muthukumar

For Respondents: Mr.T.R.Sundaram

O R D E R

The order passed by the second respondent in proceeding dated 27.09.2017 under Section 7A of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, is under challenge in the present writ petition.

2. The petitioner filed a writ petition mainly on the ground that during the relevant point of time, the Central Government Industrial Tribunal was not functioning for want of appointment of Presiding Officer. It is an admitted fact that an appeal lies before the Tribunal against the order passed under Section 7A of the Act. Under these circumstances, this Court is inclined to adjudicate the merits raised in the present writ petition and all the grounds raised on merits shall be adjudicated by the respective parties before the Tribunal. The writ petitioner is at liberty to approach the Tribunal and in the event of filing any such appeal, the Central Government Industrial Tribunal shall condone the delay and take the appeal on file and adjudicate the same on merits by affording opportunity to all the parties and decide the same as expeditiously as possible. The writ petitioner is permitted to file an appeal within a period of four weeks from the date of receipt of a copy of this Order. Till such time, the respondents are restrained from initiating any coercive action against the writ petitioner.

3. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

ssb

To

1. The Regional Provident Fund Commissioner,
Employees' Provident Fund Organisation,
Regional Office,
37, Royapettah High Road,
Opposite Swagat Hotel,
Chennai-600 014.

2. The Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
37, Royapettah High Road,
Opposite Swagat Hotel,
Chennai-600 014.

+1cc to Mr.Paul and Paul , Advocate SR.No. 85184
+1cc to Mr.T.R.Sundaram , Advocate SR.No. 84896

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A.SK(05/11/2019)