

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 30.04.2019

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**W.P.(MD) .No.11386 of 2019****and****W.M.P.(MD) No.8673 of 2019**

M/s. The Ramanathapuram District
Co-operative Printing Works Limited,
Industrial Estate, Devakottai Road,
Karaikudi - 630 005
Rep., by its Manager.

... Petitioner

-vs-

The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organisation,
Regional Office, Lady Doak College Road,
Chokkikulam, Madurai 625 002

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the Hon'ble Central Government Industrial Tribunal Cum Labour Court, Chennai in its order dated 15/04/2019 made in EPF A.No.42/2019 by confirming the order passed by the respondent in TN/RO/MDU/6072/Cir-40/PDC/7Q/2018 dated 20.09.2018 and quash the same and to permit the petitioner to clear the 7 Q interest of Rs.3,40,350/- in 15 easy monthly installments and to pass further orders.

For Petitioner : Mr.K. Hemakarthiskeyan

For Respondents : Mr.N.Muralishankar

O R D E R

The instant writ petition has been filed challenging the order dated 15.04.2019 passed by the Central Government Industrial Tribunal Cum Labour Court, Chennai confirming the order passed by the respondent dated 20.09.2018 directing the petitioner to pay interest for the delayed payment of Employees Provident Fund contributions under Section 7-Q of the Employees Provident Fund and MP Act, 1952.

2. Heard Mr.K.Hemakarthiskeyan, learned counsel for the petitioner and Mr.N.Muralishankar, learned counsel accepts notice for the respondent.

3. Learned counsel for the petitioner fairly conceded before this Court today, on instructions, that the petitioner has not taken any steps to pay the interest amount as determined by the



respondent in its order dated 20.09.2018 passed under Section 7-Q of the Employees Provident Fund and MP Act, 1952. Now, the learned counsel for the petitioner submits on instructions that the petitioner is willing to pay the determined amount, provided they are allowed to pay in 15 monthly installments.

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4. However, the learned counsel appearing for the respondent would submit on instructions that if the petitioner is allowed to pay the determined amount in eight monthly installments, an order can be passed by this Court in favour of the petitioner in the said terms. It is also the case of the petitioner that only due to financial crisis, they had paid the employees fund contributions belatedly and there is no mistake on their part.

5. Considering all these factors, this Court, in the interest of justice is of the considered view that the petitioner can be permitted to pay the determined amount mentioned under the order dated 20.09.2018 passed by the respondent under Section 7 Q of the Employees Provident Fund and MP Act, 1952 in ten (10) monthly installments commencing from the month of May 2019. It is made clear that the monthly installment shall be payable by the petitioner before the 15th of every English calendar month failing which the order passed by the respondent dated 20.09.2018 under Section 7-Q of the Employees Provident Fund and MP Act, 1952 stands confirmed.

6. With the aforesaid directions, the **Writ Petition is disposed of**. No costs. Consequently, connected W.M.P.(MD) No.8673 of 2019 stands closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organisation,
Regional Office, Lady Doak College Road,
Chokkikulam, Madurai 625 002.

+1CC TO MR.K.MURALI SANKAR, Advocate Sr. No.64321

+1CC TO MR.K.HEMAKARTHIKEYAN, Advocate Sr. No.64513

Order made in

W.P. (MD) .No.11386 of 2019

NSN (CO)

TR (22.05.2019) 2P 4C