



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P(MD)No.24063 of 2019

and

W.M.P. (MD) .No.20646 and 20647 of 2019

The Oxford Engineering College,
rep. By its Chairman
M.Subramaniam.

... Petitioner

Vs.

1.The Assistant Provident Fund Commissioner (PDC)
Employees' Provident Fund Organization,
Regional Office,
P.B.No.588, Sri Complex, D-Block
Trichy-8.

2.The Recovery Officer,
Employees' Provident Fund Organization,
Regional Office,
P.B.No.588, Sri Complex, D-Block
Trichy-8.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of writ of certiorari calling for the records of the 1st respondent dated 05.11.2015 vide No.TN/ SRO-TRY/ PDC/ C-13/ 43797/ 7Q PROC/2015 and consequential notice dated 09.09.2019 vide RRC No.CBTRY7985/ 0043797/ 13/ 04/ 2016/ 512/ 35/ 2019 of the second respondent and quash the same.

For Petitioner	: Ms.J.Anandhavalli
For Respondents	: Mr.G.Dharmaraj
	Standing Counsel

ORDER

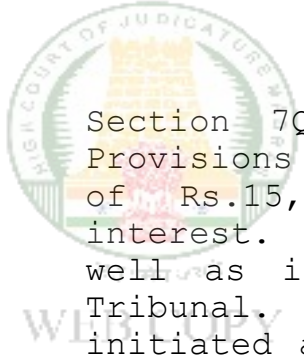
Mr.G.Dharmaraj learned Standing counsel takes notice on behalf of the respondents.

2. By consent of both sides, the writ petition is taken up for final disposal.

3.This writ petition has been filed challenging the impugned order passed by the 1st respondent dated 05.11.2015 and the consequential notice dated 09.09.2019, issued by the second respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The respondent has passed an order in proceedings vide No.TN/ SRO-TRY/ PDC/ C-13/ 43797/ 7Q PROC/2015 dated 05.11.2015, under



Section 7Q of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 against the petitioner herein, imposing a sum of Rs.15,10,349/- towards damages and Rs.7,24,967/- towards interest. The petitioner preferred an appeal against the damages as well as interest and the same is pending before the Appellate Tribunal. During the pendency of the appeal, the respondent has initiated action to recover the interest payable by the petitioner as there is no appeal provision against Section 7Q of the Act. Moreover, no stay was granted by the Appellate Tribunal against the order impugned before it. After receipt of the recovery notice issued by the respondent, dated 09.09.2019, the petitioner is before this Court.

5. Even though the petitioner sought for larger relief, he has restricted his prayer to the effect that the order will be complied, provided, permission is granted to make the payment in installments.

6. Considering the request made by the petitioner that he cannot make the payment in one lump sum, this Court is inclined to grant the petitioner an opportunity of making the payment in installments. The learned counsel for the petitioner would propose that he would complete the payment in 20 installments.

7. Mr. M. Dharmaraj, who entered appearance on behalf of the respondents would vehemently oppose for grant of installments that too in 20 installments. According to him, if the petitioner is permitted to pay in 20 installments, it will take long period to recover the money.

8. This Court considers the objections raised by the learned counsel for the respondents and direct the petitioner to make the payment in 12 equated monthly installments. In case of default, the respondents are entitled to initiate appropriate action in accordance with law. The first installment shall be made on or before 10.01.2020.

9. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

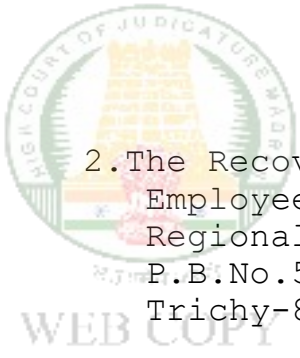
Assistant Registrar (CS-III)

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Sub Assistant Registrar (CS)

To

1. The Assistant Provident Fund Commissioner (PDC)
Employees' Provident Fund Organization,
Regional Office,
P.B.No.588, Sri Complex, D-Block
Trichy-8.



2.The Recovery Officer,
Employees' Provident Fund Organization,
Regional Office,
P.B.No.588, Sri Complex, D-Block
Trichy-8.

+1 CC to M/s.J.ANANDHAVALLI, Advocate (SR-98294[F] dated 14/11/2019)

W.P (MD) No.24063 of 2019
14.11.2019

VB (25.11.2019) 3P 4C