



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **27.11.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**

W.P. (MD)No.25243 of 2019

and

W.M.P. (MD)Nos.21827 and 21829 of 2019

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M/s.Sun Paper Mills Limited,
Represented by its authorised signatory,
Post Box No.2,
Cheranmahadevi,
Ariyanayagipuram,
Ambasamudram.
712' 627 414. : Petitioner

Vs.

The Assistant Provident Fund Commissioner,
Bhavishya Nidhi Bhavan,
NGO 8 Colony,
Perumalpuram P.O.,
Tirunelveli. : Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records pertaining to order passed by the respondent in Proc.No.CB/TNY/5018/14B/46/PDC-1(2)/2019, dated 16.05.2019 and quash the same.

For Petitioner : Mr.C.Deepak
For Respondent : Mr.K.Murali Shankar

ORDER

The petitioner had suffered an order at the hands of the respondent under Section 14-B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, for payment of damages. There is an appeal remedy available against the order passed by the respondent. Without exhausting the remedy, the petitioner has approached this Court with the present Writ Petition.

2. Mr.K.Murali Shankar, learned Standing Counsel, enters appearance on behalf of the respondent and would submit that the petitioner, knowing full well that there is an appeal remedy available, has not preferred any appeal. Therefore, the Writ Petition cannot be entertained.

3. I have considered the submissions.

4. Since there is an appeal remedy available to the petitioner, he has to exhaust the appeal remedy and thereafter only, he can
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approach this Court. Therefore, it is observed that it is open to the petitioner to prefer an appeal, if he chooses to do so.

5. The Writ Petition is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

+1 CC to M/s.K.MURALI SANKAR, Advocate (SR-101889[F] 27/11/2019)

SML

SDS (11.12.2019) 2P 2C

Order made in
W.P. (MD) No.25243 of 2019
Dated: 27.11.2019