



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

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W.P(MD)No.25488 of 2019

M/s. NN 627 K.Pethanendal
Primary Agricultural Cooperative Credit Society,
Theli, Poovanthi
Thiruppuvanam Taluk
Sivagangai District
rep. By its Secretary
J.Rajendran

... Petitioner
Vs.

1.The Assistant Provident Fund Commissioner
Employees Provident Fund Organization,
Ministry of Labour, Government of India
Regional Office,
Lady Doak College Road,
Chokkikulam,
Madurai-625 002.

2.The Recovery Officer
Employees Provident Fund Organization,
Ministry of Labour, Government of India
Regional Office,
Lady Doak College Road,
Chokkikulam,
Madurai-625 002.

3.The Branch Manager,
Sivagangai District Central Cooperative Bank,
Thiruppuvanam,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of writ of mandamus, directing the respondents 1 and 2 herein to allow the petitioner society to pay the outstanding determined amount of the Employees Provident Fund Dues to the tune of Rs.2,83,687/- as against the total outstanding amount of Rs.3,61,687/- in ten equated monthly installments in connection with the letter No.MD/MDU/37664/8F/RO/ RECY / M-08 / 2019 dated 03.10.2019 issued by the 1st respondent and consequently also direct the 3rd respondent to defreeze the petitioner society Bank account operations forthwith.

For Petitioner

: Mr.P.Mahendran



For Respondent

: Mr.V.S.V.Venkateswaran
Standing Counsel for RR-1 & 2
Mr.D.Shanmugaraja Sethupathi
for R-3

ORDER

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Mr.V.S.V.Venkateswaran learned counsel takes notice for the respondents 1 & 2. Mr.D.Shanmugaraja Sethupathi, learned counsel takes notice for the third respondent.

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

3.This writ petition has been filed for issuance of a direction, directing the respondents 1 and 2 to allow the petitioner society to pay the outstanding determined amount of the Employees Provident Fund Dues to the tune of Rs.2,83,687/- as against the total outstanding amount of Rs.3,61,687/- in ten equated monthly installments in connection with the letter No.MD/MDU/37664/8F/RO/RECY / M-08 / 2019 dated 03.10.2019 issued by the 1st respondent and consequently also direct the 3rd respondent to defreeze the petitioner society Bank account operations forthwith.

4.The respondent has sent a letter in proceedings No.MD/MDU/37664/8F/RO/ RECY / M-08 / 2019 dated 03.10.2019, demanding interest under Section 7Q of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 against the petitioner herein. The total due as per the order is Rs.3,61,687/- (Rupees three lakhs sixty one thousand six hundred and eighty seven only). Even though an appeal remedy is available against this order, the petitioner is willing to comply with the order. But he expresses his inability to make the payment in one stroke. Therefore, he seeks permission from this Court to pay the outstanding determined amount of the Employees Provident Fund Dues to the turn of Rs.2,83,687/- in 10 installments.

5.Mr.V.S.V.Venkateswaran, learned counsel appearing for the respondents 1 & 2 would vehemently oppose the proposal made by the petitioner. The learned counsel would submit that 10 installments is too longer a period and it should be restricted.

6.Considering the factual circumstances, the petitioner is directed to make the determined payment in 7 equated monthly installments. In case of default, the respondent is entitled to initiate action in accordance with law. Since the petitioner has undertaken to pay the outstanding determined amount of the Employees Provident Fund Dues in installments, the order freezing the bank account of the petitioner shall be kept in abeyance.



7. Accordingly, this writ petition is disposed of. No costs.

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// True Copy //

Sd/-

Assistant Registrar (CS III)

/ /2020

Sub Assistant Registrar (CS)

VS

To

1. The Assistant Provident Fund Commissioner
Employees Provident Fund Organization,
Ministry of Labour, Government of India
Regional Office,
Lady Doak College Road,
Chokkikulam,
Madurai-02.
2. The Recovery Officer
Employees Provident Fund Organization,
Ministry of Labour, Government of India
Regional Office,
Lady Doak College Road,
Chokkikulam,
Madurai-02.
3. The Branch Manager,
Sivagangai District Central Cooperative Bank,
Thiruppuvanam,
Sivagangai District.

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-103186[F]
dated 03/12/2019)

+1 CC to M/s.P. MAHENDRAN, Advocate (SR-102693[F] dated
29/11/2019)

W. P (MD) No. 25488 of 2019

29.11.2019

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