

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.302 of 2020
and
W.M.P.No.347 of 2020

M/s.Maruthamalai Sri Murugan Textiles
Rep. by its Executive Partner - Mr.K.Venkitapathy
SRKV Post, Coimbatore - 641 020. ... Petitioner

vs

- 1.The Presiding Officer
Central Government Industrial Tribunal
cum Labour Court
Appellate Authority under EPF Act
Shastri Bhavan, Chennai-600 006.
- 2.The Assistant Provident Fund Commissioner
Employees' Provident Fund Regional Office
P.B.No.3875, Dr.Balasundaram Road,
Coimbatore. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in EFPA No.51 of 2017 dated 13.09.2019 on the file of the 1st respondent against the 2nd respondent order No.TN/RO/CBE/PDC/CC-13/71/14b proceedings/2017, dated 05.09.2017 and quash the same and also direct the 1st respondent to reinstate the order passed by the 1st respondent in EPFA.51/2017 dated 29.11.2018 extending the stay till the disposal of the case.

For Petitioner : Mr.S.Ezhil Raj

O R D E R

This writ petition is filed challenging the order of the first respondent dated 13.09.2019. In the said order, the first respondent/Appellate Authority, imposed a condition on the petitioner/appellant to deposit a sum of Rs.8,00,000/-, while granting stay of the order under challenge in the said appeal.

2. Heard the learned counsel for the petitioner.

3. It is seen that the petitioner, as the appellant challenged an order passed by the second respondent dated

05.09.2017 under Section 14B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, for recovering damages of Rs.26,03,422/-. Though the first respondent/Appellate Authority, originally granted the stay on 29.11.2018 at the time of entertaining the appeal, after notice and hearing, the first respondent modified the said stay order by imposing the above said condition.

4. The learned counsel for the petitioner contended that having granted stay initially without imposing any condition, the first respondent is not justified in directing the petitioner to deposit a sum of Rs.8,00,000/- as a condition for granting stay.

5. The merits of the appeal pending before the first respondent has to be considered and decided only by the first respondent after hearing all the parties. This Court, at this stage, is not expressing any view on such merits. However, as I find that the first respondent has chosen to impose a condition, that too, to deposit a sum of Rs.8,00,000/-, arising out of the total claim of Rs.26,03,422/-, it cannot be construed as a prejudicial order to challenge the same before this Court. Therefore, I find no reason to interfere with the said order. Needless to say that if the petitioner succeeds before the first respondent, it is always open to them to get back the said amount so deposited. Accordingly, this Writ Petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Presiding Officer
Central Government Industrial Tribunal
cum Labour Court
Appellate Authority under EPF Act
Shastri Bhavan, Chennai-600 006.

2.The Assistant Provident Fund Commissioner
Employees' Provident Fund Regional Office
P.B.No.3875, Dr.Balasundaram Road,
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W.P.No.302 of 2020

A.SK(31/01/2020)