

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2020

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.NO.2128 OF 2020

AND

W.M.P.NO.2487 OF 2020

Sri Sapthagiri Transport

rep. by its Proprietor Mr.T.E.Murali,
no.9, Park road, Newry Towers,
D.No.A603, Anna Nagar West Extension,
Chennai - 600 101.

... Petitioner

vs

The Assistant Provident Fund Commissioner,
EPFO, Sub Regional Office, Ambattur,
R-40, A1, TNHB Shopping cum Office Complex,
Thirumangalam, Muguappair Road,
Muguappair East,
Chennai - 600 037

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari to call for the records pertaining to the order passed by the Presiding Officer, Central Government Industrial Tribunal cum Labour Court, Appellate Authority Under EPF Act at Chennai EPFA No.249 of 2017 in order dated 09.10.2019 in No.TN/RO/AMB/68466/CC-II/Area-6/2017 dated 06.11.2017 and quash the same.

For Petitioner : Mr.S.Ezhilraj

For Respondent : Mr.J.Sathyanarayana Prasad,
Standing Counsel

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O R D E R

This Writ Petition is filed challenging the order of the Tribunal dated 09.10.2019, wherein and whereby, the Tribunal admitted the appeal subject to condition, the petitioner deposits 75% of the amount as assessed in the order dated 06.11.2017 passed by the Assistant Provident Fund Commissioner, Ambattur, also by granting interim stay on such condition.

2. Heard both sides.

3. The grievance of the petitioner before this Court is that the order of the Tribunal in directing deposit of 75% of the disputed amount was made without considering the waiver application filed by the petitioner. Perusal of the impugned order clearly shows that the Tribunal is fully aware of the fact that the petitioner, as the appellant before the Tribunal, moved Petitions for stay and waiver on the ground of financial crisis and even after noticing such contentions, the Tribunal passed the conditional order by recording a reason that the petitioner is a Transport Company, having contract with TASMAL Ltd. for transport of IMFL to various retail units of TASMAL within the jurisdiction of the Tamil Nadu State and that the cause of delay remittance of statutory contribution does not sound reasonable.

4. It is to be noted at this juncture that the amount ordered to be deposited, namely 75% is the statutory requirement while preferring an appeal. Therefore, I do not find any reason to interfere with the said conditional order passed by the Tribunal while entertaining the appeal. Accordingly, the Writ Petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vsi

To

The Assistant Provident Fund Commissioner,
EPFO, Sub Regional Office, Ambattur,
R-40, A1, TNHB Shopping cum Office Complex,
Thirumangalam, Muguappair Road,
Muguappair East, Chennai - 600 037

+1cc to Mr.J.Sathyannarayana Prasad, Advocate, S.R.No.9011

W.P.No.2128 of 2020

NR(CO)
CS/09/03/2020