

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.446 of 2020

and

W.M.P.Nos.512, 513 & 515 of 2020

Loordhu Ammal Educational Trust
Represented by its Secretary
No.1-A, Chari Street,
North Usman Road,
T.Nagar, Chennai-600 017.Petitioner

vs.

- 1.The Asst. Provident Fund Commissioner
Employees Provident Fund Organization
Ministry of Labour, Govt. of India
Chennai-600 037.
- 2.The Regional Provident Fund Commissioner
Regional office
Ambattur, Chennai-600 037.
- 3.The Branch Manager
Bank of Baroda
Maduravoyal Branch
Chennai-600 095.Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the 1st respondent pertaining to the impugned order dated 24.12.2019 in Ref.No.TN/RO/AMB/69715/CC-III/A-6/2019 and quash the same.

For Petitioner : Mr.Meiyappan
for Mr.Richadrson Wilson
For Respondents : Mr.J.Sathyanarayana prasad
standing counsel for R1 & R2
Mr.K.R.Narasimhan
for R3

O R D E R

This writ petition is filed challenging the order of the first respondent dated 24.12.2019 passed under Section 8F of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, attaching the bank account of the petitioner for realizing a sum of Rs.38,02,196/-, arising out of the order dated 15.11.2019 passed under Section 7A of the EPF & MP Act, 1952.

2. Heard both sides.

3. The petitioner suffered an order dated 15.11.2019 under Section 7A of the EPF & MP Act, wherein and whereby, the authority fixed the total liability under Section 7A of the EPF & MP Act, as Rs.53,56,653/-, and after giving deduction to the amount already paid, arrived the balance amount to be paid as Rs.38,02,196/-. Since the said amount was not paid, the impugned attachment proceedings was issued. The grievance of the petitioner is that the impugned attachment proceedings was issued even before expiry of the appeal time period provided under Rule 7(2) of the Employees' Provident Funds Appellate Tribunal (Procedure) Rules, 1997. Therefore, it is contended that when the petitioner is having the right of filing the appeal before the Appellate Authority and seek for interim relief of waiver or stay, pending disposal of the appeal, the impugned attachment was made hurriedly to harass the petitioner.

4. When the writ petition was taken up for admission on 09.01.2020, this Court, after hearing the learned counsel for the petitioner and finding a prima facie case in favour of the petitioner, granted an order of interim stay of the impugned proceedings till this date.

5. Today, when the writ petition is taken up for further hearing, the learned counsel for the petitioner submitted that the appeal before the Appellate Authority, viz., Central Government Industrial Tribunal-cum-Labour Court, Chennai, was filed on 21.01.2020. He has also produced a copy of the receipt slip, which shows that the appeal against the order dated 15.11.2019 filed by the petitioner was received by the Tribunal on 21.01.2020. Since the said appeal is filed before the concerned Tribunal, it is for the petitioner to work out their remedy including interim relief, if any, by filing appropriate application.

6. Considering the fact that the appeal has already been filed, the petitioner is granted four weeks time to work out their remedy for interim relief, if any, from the Tribunal in the pending appeal. Till such time, the status quo as on today shall be maintained by both parties. If the petitioner fails to get any interim relief before the Tribunal within the time stipulated supra, it is open to the respondent/Organization to work out their remedy for recovery of the amount due in accordance with law.

With the above observations and directions, this Writ Petition is disposed of, accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

True Copy//

Sub Assistant Registrar

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To

1. The Asst. Provident Fund Commissioner
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Ministry of Labour, Govt. of India
Chennai-600 037.
2. The Regional Provident Fund Commissioner
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3. The Branch Manager
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+1 ccto Mr. Richardson Wilson Advocate sr 7388

+1 ccto M/s. J. Sathyanarayana prasad Advocate sr7380

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rjl(co)
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