

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2020

CORAM

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.2642 of 2020
and
W.M.P.No.3078 of 2020

M/s.Dolphin Security Service
Represented by its Proprietor
237-B, Pollachi Road
(Near Balaji Hospital)
Sundarapuram,
Coimbatore - 641 024. Petitioner

vs.

The Regional Provident Fund Commissioner-II &
Recovery Officer
No.18, Balasundaram Road,
Coimbatore - 641 018. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records of the respondent in Ref.No.TN/CBE/RO/77014/CC-11/2018 dated 22.02.2019 and quash the same and consequently, directing the respondent to accept the remaining outstanding determined amount in the above impugned order in 24 equal installments.

For Petitioner : Mr.S.Guanalan

For Respondent : Mr.J.Sathyanarayana Prasad
standing counsel

O R D E R

Mr.J.Sathyanarayana Prasad, learned standing counsel takes notice for the respondent. By consent of both parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition is filed challenging the order of the respondent dated 22.02.2019 with a consequential direction to the respondent to accept the outstanding determined amount in 24 equal monthly installments.

3. Heard the learned counsel for the petitioner and the learned standing counsel for the respondent.

4. Though the present writ petition is filed challenging the impugned order determining the dues payable by the petitioner for the period from 04/2016 to 03/2018 amounting to Rs.18,28,690/-, the real grievance is not against the quantum, but against the time within which, it has to be paid. In other words, even as per the prayer sought for in this writ petition, the petitioner only seeks for a direction to the respondent to accept the amount determined in 24 equal monthly installments.

5. It is stated in the affidavit filed in support of this writ petition that the petitioner-Management is struggling a lot to pay the salary to their employees on time due to delayed payment from their principal employer and that the payments are kept pending by the principal employer for more than one year. Therefore, it is submitted that the petitioner-Management is not in a position to remit the amount determined in one lump sum. Thus, the petitioner-Management seek to pay the amount in 24 equal monthly installments.

6. Since the petitioner has come forward to make the payment without disputing either the liability or the quantum arrived and in view of the difficulties expressed by them in making such payment in one lump sum, this Court is of the view that the interest of justice would be met, if the following order is passed in this writ petition, by protecting the interest of both parties.

7. Accordingly, this Writ Petition is disposed of under the following terms and conditions:

(a) The petitioner shall pay the sum of Rs.18,28,690/- determined by the respondent in 20 equal monthly installments commencing from 05.03.2020.

(b) The petitioner shall also pay the monthly installments on or before 5th day of every succeeding month.

(c) Apart from paying the monthly installments as directed supra, the petitioner shall pay regular contribution without fail.

(d) If anyone of the installments is not paid within the time stipulated herein, it is open to the respondent to resort to the procedures contemplated to recover the balance amount in full in accordance with law.

(e) This order will not preclude the

respondent from initiating proceedings to recover the interest or penalty from the petitioner, if it is so warranted under law.

(f) If any such proceedings are initiated, it is open to the petitioner to work out their remedy as against such proceedings in the manner known to law.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mk

To

The Regional Provident Fund Commissioner-II &
Recovery Officer
No.18, Balasundaram Road,
Coimbatore - 641 018.

+1cc to Mr.S.Guanalan, Advocate, S.R.No.9090

+1cc to Mr.J.Sathyanarayana Prasad, Advocate, S.R.No.9012

W.P.No.2642 of 2020

GJ(CO)
CS/07/02/2020

सत्यमेव जयते

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