

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.3195 of 2020

V.Velayudham
S/o.Vivekananthan

... Petitioner

vs.

1.The Regional Provident Fund Commissioner
Employees Provident Fund Organization
No.3, Rajaji Salai, Tambaram
Chennai-600 045.

2.The Management
Hamoons Exports Pvt. Ltd.,
No.15A, Nungambakkam High Road,
Chennai-600 034.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, directing the 1st respondent to pass orders on the petitioner's representation dated 13.03.2019 and thereby, to enforce recovery of the 2nd respondent's EPF contribution to the PF A/c.No.TB/TAM/0008746/00A/0000175 for the period of the petitioner's service under the 2nd respondent formerly known as D.S.Hajee Moosa & Company and the EPS contribution for the period from 01.01.2011 till date along with interest in accordance with the judgement dated 18.06.2014 made in W.P.No.50217 of 2006 and Section 8 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

For Petitioner : Mrs.D.Geetha

For Respondents : Mr.K.Ramu
standing counsel for R1

O R D E R

Mr.K.Ramu, learned counsel takes notice for the first respondent. Since this writ petition is being disposed of without affecting the interest of the second respondent in any manner, notice to the said respondent is dispensed with.

2. The petitioner seeks for a mandamus directing the 1st respondent to pass orders on his representation dated 11.02.2019, wherein and whereby, he sought to recover the EPF contribution from the second respondent for the period of

petitioner's service under the 2nd respondent from 01.01.2011 onwards.

3. The grievance of the petitioner is that the first respondent has not considered the said representation so far.

4. This Court, at this stage, cannot express any view on the merits of the claim made by the petitioner, as it is inclined to dispose the writ petition only with a direction to the first respondent to pass orders on the petitioner's representation dated 11.02.2019 after hearing the petitioner as well as the second respondent. Accordingly, this Writ Petition is disposed of, only by directing the first respondent to consider the representation of the petitioner dated 11.02.2019 and pass orders on the same on merits and in accordance with law, after hearing the petitioner as well as the second respondent. Such exercise shall be done by the first respondent within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

mk

To

The Regional Provident Fund Commissioner
Employees Provident Fund Organization
No.3, Rajaji Salai, Tambaram
Chennai-600 045.

+1cc to Mrs.D.Geetha, Advocate SR.No.13706

+1cc to Mr.K.Ramu, Advocate SR.No.13391

W.P.No.3195 of 2020

NRJK (CO)
GMY (18/03/2020)