

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2020

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 33576 of 2012

and

M.P. No.1 of 2012

Amman Wovensacks Employees Union

(Regn. No. RTU 1042/96)

Rep. by its President,

No.42, Cuddalore Road,

Bharathi Mill Thittu Mudaiarpeta,

Puducherry - 605 004.

... Petitioner

-vs-

1. Regional Provident Fund Commissioner,

Employees' Provident Fund,

Sub Regional Officer,

Mudaliarpeta, Puducherry - 605 004.

2. Tamil Nadu Industrial Investment Corporation Ltd.,

Rep. by its Chairman,

New No.692, Anna Salai,

Nandanam, Chennai - 600 035.

3. M/s. Amman Wovensacks Ltd.,

Rep. by Mrs. Lalitha,

New No.90, Old No.32/1,

Ashtalakshmi Koil Street,

Basant Nagar, Chennai - 600 090.

... Respondents

(R-3 Amended as per order dated 07/01/16 in WMP.NO.105/16 in WP.NO.33576/12.

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the first respondent provident fund Commissioner to recover the entire provident fund due from the second and third respondents and disburse the same to the petitioner members whose names are given in the typed set of papers with 6% interest from the day it was due.

For Petitioner : Mr. N.G.R.Prasad

For Respondents : Ms. V.J.Latha
Standing Counsel for R1
Mr. I.Sathish
Standing Counsel for R2

ORDER

The prayer sought for herein is for a Writ of Mandamus, directing the first respondent Provident Fund Commissioner to recover the entire Provident Fund due from the second and third respondents and disburse the same to the petitioner members whose names are given in the typed set of papers with 6% interest.

2. Heard Mr. N.G.R.Prasad, learned counsel appearing for the petitioner, Ms. V.J. Latha, learned Standing counsel appearing for the first respondent and Mr. I. Sathish, learned Standing counsel appearing for the second respondent.

3. The learned counsel appearing for the first respondent on instructions would submit that, the entire Provident Fund due payable to the employees who are the members of the petitioner's union had been deposited, therefore, if the permission is given to the first respondent to withdraw the said amount enabling the first respondent to disburse the same to each of the employees, certainly the entire Provident Fund due payable to the employees, i.e., the members of the petitioner's union would be disbursed within a time frame that may be stipulated by this Court.

4. Mr. N.G.R.Prasad, learned counsel appearing for the petitioner seeks indulgence of this Court to pass such a suitable order enabling the first respondent to have the money deposited already for the purpose of distribution of the same towards the Provident Fund amount of each of the employees who are the member of the petitioner's union. It was deposited from the sale proceeds of the property belonging to the third respondent, sold in auction conducted by the second respondent pursuant to the order passed by this Court and accordingly the amount has been deposited in the account of WP. No.19854 of 2008 at Indian Bank, Cuddalore, Main Branch.

5. Considering the said submissions made by both sides, this Court is inclined to dispose of the Writ Petition with the following order:

"(i) That the first respondent is hereby directed to withdraw the amount deposited from the side of the Management towards the distribution of Provident Fund due payable to each of the employees who are the members of the petitioner's union

and accordingly after receipt of the said amount by way of withdrawal, the due payable to each of the employees who are the members of the petitioner's union in respect of Provident Fund amount calculated, be paid.

(ii) The said exercise shall be undertaken by the first respondent within a period of eight weeks from the date of receipt of a copy of this order. "

6. With these directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

sd/
ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

vji

To

1. The Regional Provident Fund Commissioner,
Employees' Provident Fund,
Sub Regional Officer,
Mudaliarpeth,
Puducherry - 605 004.
2. The Chairman,
Tamil Nadu Industrial Investment Corporation Ltd.,
New No.692, Anna Salai,
Nandanam, Chennai - 600 035.

+1 CC to M/s.V.J.Latha, Advocate on payment of necessary charges SR.NO.35785

+1 CC to M/s.Row & Reddy, Advocate on payment of necessary charges SR.NO.35821

W.P. No. 33576 of 2012
and
M.P. No. 1 of 2012

SSI (CO)

TA-19/12/2020