

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 4654 of 2018

and

W.M.P. Nos. 5740 and 5741 of 2018

M/s. Tafe and Form Equipment Ltd.,
No. 35, Nungambakkam High Road,
Chennai – 600 034.
(Registered office)
Represented by Mr. S. Tirumalai,
Associate Vice President (Personnel)

... Petitioner

-vs-

1. The Provident Fund Commissioner – II, Chennai,
37, Royapettah High Road,
Chennai – 600 014.
2. The Provident Commissioner – II, Madurai,
Regional Office, Lady Doak College Road,
Chokkikulam,
Madurai – 625 002.
3. The Presiding Officer,
Central Government Industrial Tribunal
Appellate Authority under the Provident Fund Act,
Shastri Bhavan,
Nungambakkam,
Chennai – 600 008.
4. The Central Bank of India,
Thathampatti Branch,
2/48, Main Road,
P.O.-T, Vadipatti,
Pin – 625 218.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the First Respondent, Regional Provident Fund Commissioner Chennai (Authority which has issued code number TN/MAS/3429 to the Petitioner for all its employees in the country), and the Second Respondent, the Regional Provident Fund Commissioner Madurai from taking any steps to enforce order dated 12.02.2018 made by the Second Respondent until such time appeal dated 27.02.2018 filed under Section 7(i) of the Employees Provident Fund Act before the Third Respondent Appellate Authority is taken up for hearing together with the stay petition and the waiver a petition under the provisions of Section 7(o) of the Employees Provident Fund Act.

For Petitioner : Mr. Sanjay Mohan
for M/s. S. Ramasubramaniam Associates

For Respondents : Mr. V. Sundareswaran,
Standing Counsel (for R1 to R3)

ORDER
(through video conference)

Heard Mr. Sanjay Mohan, Learned Counsel appearing for the Petitioner and Mr. V.Sundareswaran, Learned Standing Counsel appearing for the First to Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner has preferred an appeal under Section 7-I of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as the 'Act' for short), before the Appellate Authority viz., Central Government Industrial Tribunal, Chennai (hereinafter referred to as the 'Tribunal' for short), which has been taken on file as EPFA No. 583 of 2018, against the order No. MD/MDU/41522/Enf.C/Circle 11/M1/RO/2018 dated 12.02.2018 passed by the Second Respondent under Section 7-A of the Act. According to the Petitioner, it was not able to obtain orders on the application for interim stay in that appeal as there was no Presiding Officer at that time. In the meanwhile, the Second Respondent by Order No. MD/MDU/41522/RO/ENF.C/M-1/2018 dated 26.02.2018 passed under Section 8-F of the Act had attached the bank account of the Petitioner with the Fourth Respondent for recovery of the provident fund dues. Aggrieved thereby, the Petitioner had filed this Writ Petition to restrain the First and Second Respondents from taking any steps to enforce the order dated 12.02.2018 passed by the Second Respondent till such time the appeal in EPFA No.583 of 2018 is taken up for hearing together with stay petition and waiver petition under Section 7-O of the Act.

3. This Court by an interim order dated 01.03.2018 had stayed the order impugned in the appeal before Tribunal which continues to be in force. In furtherance thereto, the Second Respondent by Order No. MD/MDU/41522/Enf.C/Circle 11/BF wdl /2018 dated 02.05.2018 has withdrawn the earlier order No.MD/MDU/41522/RO/ENF.C/M-1/2018 dated 26.02.2018 attaching the bank account of the Petitioner with the Fourth Respondent. Though the Presiding Officer has been appointed for the Tribunal subsequently, it is informed that in view of the prevailing lockdown on account of COVID pandemic, the functioning of the Tribunal is not regular.

4. Having due regard to the aforesaid subsequent events, the Respondents shall await for orders to be passed in the stay application in E.P.F.A. No. 583 of 2018 by the Tribunal and shall not take any coercive action against the Petitioner for recovery of the amounts under the order No. MD/MDU/41522/Enf.C/Circle 11/M1/RO/2018 dated 12.02.2018 till orders thereon are communicated to the parties. It is made clear that the Tribunal is not precluded from passing any orders, interim or final, that it may deem fit and proper in accordance with law following the prescribed procedure after hearing the concerned parties.

5. Accordingly, the Writ Petition is disposed on the aforesaid terms.

Consequently, the connected Miscellaneous Petitions are closed. No costs.

04.08.2020

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Index : Yes/No

Note: Issue order copy by 17.08.2020.

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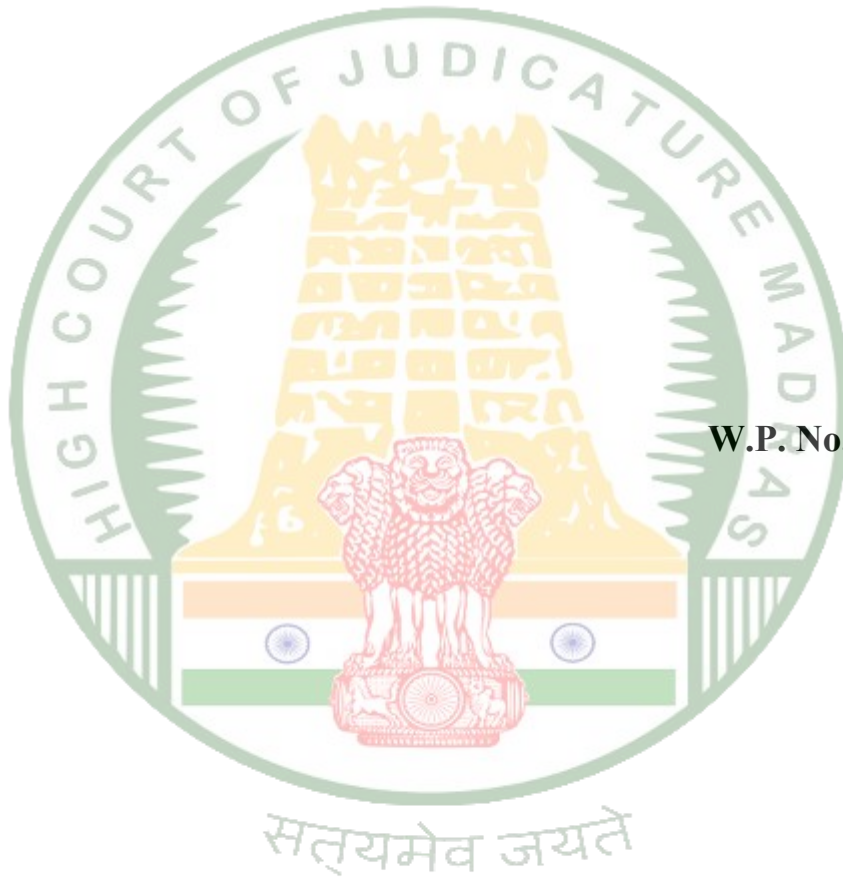
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Chennai – 600 008.
4. The Branch Manager,
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Thathampatti Branch,
2/48, Main Road, P.O.-T, Vadipatti,
Pin – 625 218.

Copy to

The Presiding Officer,
Central Government Industrial Tribunal-cum-Labour Court,
1st Floor, B-Wing,
26, Haddows Road, Shastri Bhawan,
Chennai – 600 006.

P.D. AUDIKESAVALU, J.

vjt



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