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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2020

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

W.P. No. 6279 of 2020

and

W.M.P. No. 7395 of 2020

The Commissioner
Maraimalai Nagar Municipality
Maraimalai Nagar.

... Petitioner

-vs-

1. The Secretary
Department of Ministry of Labour & Employment
New Delhi.
2. The Central Provident Fund Commissioner
Employee's Provident Fund Organisation
Bhavishya Nadhi Bhawan
14, Bhikaji Cama Palace
New Delhi - 110 066.
3. The Regional Provident Fund
Commissioner -I
Employee Provident Fund Organisation
Regional Office
Tambaram, Chennai - 600 045.
4. The Enforcement Officer
Employees Provident Fund Organisation
No.3 Rajaji Salai
Tambaram
Chennai-45

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from in any manner seeking to enforce the demand of the third respondent in the proceedings dated 30.10.2019 in No. TB/TAM/63253/ENF/CC-II/T-6/Proceedings/2019 till the disposal of the Appeal before the Central Government Industrial Tribunal Cum Labour Court.



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For Petitioner : Mr.P.Srinivas

For Respondents: Mrs.R.Durgarani (For R1)
Central Government Standing Counsel
Mr.K.Ramu (For R2 - R4)

O R D E R
(through video conference)

Heard Mr. P. Srinivas, Learned Counsel for the Petitioner, Mrs. R. Durgarani, Learned Central Government Standing Counsel appearing for the First Respondent and Mr. K. Ramu, Learned Counsel appearing for the Second to Fourth Respondents through video conference and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who is aggrieved by the order No. TB/TAM/63253/ ENF/CC-II/T-6/Proceedings/2019 dated 30.10.2019 passed by the Third Respondent, had preferred an appeal against that order in E.P.F.A. No. 257 of 2019 under Section 7-I of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, before the Appellate Authority, which was posted for admission on 30.01.2020 and had been adjourned to 30.04.2020 without passing any orders on the application for interim stay. According to the Petitioner, the Respondents without awaiting the outcome of the application for interim stay in the said appeal, is taking coercive action for recovery from the Petitioner by attaching its bank accounts. In the aforesaid circumstances, this Writ Petition has been filed to restrain the Respondents from in any manner seeking to enforce the demand of the Third Respondent in the proceedings No. TB/TAM/63253/ ENF/CC-II/T-6/Proceedings/2019 dated 30.10.2019 till the disposal of the appeal before the Appellate Authority.

3. Learned Standing Counsel appearing for the Second and Third Respondents, on instructions, states that the Appellate Authority by notice F. No. Misc./2020 dated 01.07.2020 has informed that in view of the extension of the lockdown till 31.07.2020, the appeals which were listed for admission, will be rescheduled for hearing on admission to different dates and during the period, the respective Respondents are directed not to take any coercive steps against the Appellant till the rescheduled date of admission, and he has produced a copy of the same, which is placed on record.



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. 297 of 2019 by the Appellate Authority and shall not take any coercive action against the Petitioner for recovery of the amounts under the order No. TB/TAM/63253/ ENF/CC-II/T-6/Proceedings/2019 dated 30.10.2019 till orders thereon are communicated to the parties.

5. The Writ Petition is disposed on the aforesaid terms. Consequently, connected miscellaneous petition is closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

may a

To

1. The Secretary
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New Delhi.
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