

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2020

CORAM :

THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.635 of 2020

HALLMARK INDUSTRIES
A-30, MEPZ, KADAPERI
TAMBARAM
CHENNAI – 600 045.

.. Appellant

Vs

- 1 THE REGIONAL PROVIDENT FUND COMMISSIONER
EMPLOYEES PROVIDENT FUND ORGANISATION
REGIONAL OFFICE, NO.3
RAJAJI SALAI, TAMBARAM
CHENNAI – 600 045.
- 2 THE PRESIDING OFFICER
EMPLOYEES' PROVIDENT FUND APPELLATE TRIBUNAL
7th FLOOR, 60, SKYLARK BUILDING
NEHRU PLACE, NEW DELHI – 110 019.

.. Respondents

PRAYER: Appeal under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 15.11.2019 passed in W.P.No.34540 of 2012.

For Appellant : Mr.V.P.Raman

For 1st Respondent : Mr.R.Vishnu

ORDER

(Order of the Court was made by *The Hon'ble Chief Justice*)

We have heard Mr.V.P.Raman, learned counsel for the appellant and Mr.R.Vishnu, learned counsel who had put in appearance on behalf of the first respondent.

2. There is no disagreement between the parties that the learned Single Judge has rightly quashed the order and had remanded the matter back for re-adjudication.

3. Mr.Raman, learned counsel submits that keeping in view the fact that the learned Single Judge had agreed that the observations of the High Court in W.P.No.10788 of 2001 had not been followed by the authority, the remand order should have been with a specific direction to that effect, and to that extent the impugned judgment be modified.

4. Having considered the submissions raised, we do not find any further necessity of interfering in the matter, but we expect and we also direct that the second respondent shall adjudicate the matter keeping in view the issue of *mens rea* as directed by the High Court in W.P.No.10788 of 2001. The second respondent shall dispose of the matter expeditiously, preferably within three months.

The writ appeal is disposed of accordingly. No costs.
Consequently, C.M.P.No.8874 of 2020 is closed.

(A.P.S., C.J.) (S.K.R., J.)
20.08.2020

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To:

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THE HON'BLE CHIEF JUSTICE
AND
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(sasi)



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THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY, J.

(Order of the Court was made by *the Hon'ble Chief Justice*)

Heard Mr.V.P.Raman, learned counsel for the appellant.

2. There appears to be certain typographical errors which have crept in paragraphs (2) and (4) of our judgment dated 20.8.2020. We find that there was a disagreement between the parties and, therefore, the word "no" occurring in paragraph (2) of the judgment appears to have crept in inadvertently. The word "no" shall, therefore, stand deleted from paragraph (2) and it shall be read accordingly.

3. In paragraph (4), the direction issued is to the second respondent, whereas the direction was intended to be issued to the first respondent. Accordingly, the word "second" occurring in paragraph (4) as a prefix to the word "respondent" shall stand

deleted and shall be substituted by the word “*first*” therein. Accordingly, the direction has to be carried out by the first respondent.

4. The judgment dated 20.8.2020 stands corrected accordingly.

5. Mr.R.Vishnu, representing Mr.K.Ramu, learned counsel for the first respondent, had appeared before us and has no objection to this order being passed today.

6. Registry is directed to issue fresh order copy to the parties.

(A.P.S., CJ) (S.K.R.,J.)
28.08.2020

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