

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2020

CORAM

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

W.P. No. 8561 of 2020
and
W.M.P. No. 10351 of 2020

M/s. Kovai Medical Center and Hospital Limited,
Avinashi Road,
Coimbatore - 641 014.
Rep. by its Chief Operating Officer
Dr. J. Sivakumaran ... Petitioner

-vs-

Regional Provident Fund Commissioner-I,
Employees Provident Fund Organisation,
No. 3875, Regional Office,
Bhavishya Nidhi Bhavan,
P.B. No. 3875, Dr. Balasundaram Road,
Coimbatore - 641 018. ... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the Respondent from initiating recovery proceedings in terms of its order dated 11.06.2020 in Proceedings No. TN/RO/CBE/7A/CC-16/28176/DIARY NO. 1477/2019 till the appeal to be filed by the Petitioner is taken up for enquiry by the Central Government Industrial Tribunal cum Labour Court, Chennai.

For Petitioner : Mr. S. Raveendran, Senior Counsel
for A.S. Balaji

For Respondent : Mr.C.Kulanthaivel, Standing Counsel

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O R D E R
(through video conference)

Heard Mr. S.Ravindran, Learned Senior Counsel for the Petitioner and Mr. C.Kulanthaivel, Learned Standing Counsel for the Respondent 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 Fund and Miscellaneous Provisions Act, 1952 (hereinafter referred to as the 'Act' for short), which has been taken on file as E.P.F.A. No. 85 of 2020 by the Appellate Authority, viz., Central Government Industrial Tribunal-cum-Labour Court, Chennai (hereinafter referred to as the 'Tribunal' for short) against the order No. TN/RO/CBE/7A/CC-16/28176/DIARY NO. 1477/2019 dated 11.06.2020 passed by the Respondent under Section 14-B of the Act. According to the Petitioner, the functioning of the Tribunal is not regular due to prevailing lock down on account of COVID pandemic and the application for waiver of pre-deposit/interim stay of the impugned order in that appeal could not be listed for hearing. As the Petitioner was given to understand that the Respondent has decided to recover the determined amount of provident fund dues by attaching the bank account of the Petitioner without awaiting the outcome of the application for waiver of pre-deposit/interim stay of the impugned order in that appeal the Petitioner has filed this Writ Petition to restrain the Respondent from taking any steps to enforce the order impugned in that appeal.

3. This Court by an order dated 04.03.2020 has granted interim injunction restraining such recovery which continues to be in force. It is informed by the Learned Counsel for both sides that the Tribunal has now listed the appeal for admission on 23.09.2020 and has published a general order dated 05.08.2020, the contents of which is extracted below:-

"Due to the extension of the period of Lockdown the Appeals posted for admission and for other purpose are rescheduled to different date being uploaded in website. The Respondents are hereby directed not to take any coercive step against the Appellant, where the dates for admission of Appeal are rescheduled."

4. Having due regard to the aforesaid subsequent events, the Respondent shall await for orders to be passed in the stay application in E.P.F.A. No. 85 of 2020 by the Tribunal and shall not take any coercive measures against the Petitioner for recovery of the amounts under the order No. TN/RO/CBE/7A/CC-16/28176/DIARY NO. 1477/2019 dated 11.06.2020 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.

Accordingly, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

dm

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

The Regional Provident Fund Commissioner-I,
Employees Provident Fund Organisation,
No. 3875, Regional Office,
Bhavishya Nidhi Bhavan,
P.B. No. 3875, Dr. Balasundaram Road,
Coimbatore - 641 018.

+1cc to M/S. C.Kulanthivel, Advocate, S.R.No.27600

RJI (CO)
EU 31.08.2020

W.P. No. 8561 of 2020

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