

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2020

CORAM

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

W.P.NO.39504 OF 2016

AND

W.M.P.NO.33789 OF 2016

MADRAS Christian council of
Social service, (M.C.C.S.S)

Represented by its Executive Secretary,
Ms.R.Isabel,
No.21, VI Main Road, Jawahar Nagar,
Chennai - 82.

... Petitioner

-vs-

1. The Assistant Provident Fund Commissioner,
The Employees Provident Fund Organization,
Ministry of Labour Government of India,
Sub-Regional Office, Ambattur,
R-40A, 1, T.N.H.B Shopping cum Office Complex,
Moggapair Road, Moggapair East,
Chennai - 600 037.
2. The Enforcement Officer,
The Employees Provident Fund Organization,
Ministry of Labour Government of India
Sub-Regional Officer, Ambattur,
R-40A, I, T.N.H.B. Shopping cum Office Complex,
Moggapair Road, Moggapair East,
Chennai - 600 037.

- 3.The Manager,
Indian Overseas Bank,
Periyar Nagar Branch,
70 Feet Road, Periyar Nagar,
Chennai - 600 082.

... Respondents

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to impugned order in No.TN/SRO-AMB/1296716/7A Order/CC-II/Area 10/2016 dated 27.09.2016, on the file of the 1st Respondent and quash the same.

For Petitioner : Mr.S.Arokia Maniraj
For Respondents: Mr.J.Sathyanarayanaprasad,
Standing Counsel (For R1 & R2)
Mr.F.B.Benjamin George (for R3)

O R D E R
(through video conference)

Heard Mr.S.Arokia Maniraj, Learned Counsel for the Petitioner, Mr.J.Sathyanarayanaprasad, Learned Standing Counsel appearing for the First and Second Respondents and Mr. F.B.Benjamin George, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. When it is pointed out by the Learned Standing Counsel appearing for the First and Second Respondents that the Petitioner has got an effective alternative remedy to challenge the Order No. TN/SRO-AMB/1296716/7A Order/CC-II/Area 10/2016 dated 27.09.2016 under Section 7-A of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (herein after referred to as the 'Act' for short), passed by the Second Respondent, which is impugned in this Writ Petition, by approaching the Appellate Authority under Section 7-I of the Act, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to resort to the aforesaid procedure and he has sent a confirmatory e-mail dated 22.09.2020 to that effect, which is placed on record.

3. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. It is made clear for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 04.11.2016, till today, viz., 22.09.2020, shall be excluded. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

dm

(Note: Registry is directed to return the original copy of the impugned order to the Petitioner under written acknowledgment after retaining a copy of the same for record.)

To

1. The Assistant Provident Fund Commissioner,
The Employees Provident Fund Organization,
Ministry of Labour Government of India,
Sub-Regional Office, Ambattur,
R-40A, 1, T.N.H.B Shopping cum Office Complex,
Moggapair Road, Moggapair East,
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2. The enforcement officer,
The Employees Provident Fund Organization,
Ministry of Labour Government of India
Sub-Regional Officer, Ambattur,
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Moggapair Road, Moggapair East,
Chennai - 600 037.
3. The Manager,
Indian Overseas Bank,
Periyar Nagar Branch,
70 Feet Road, Periyar Nagar,
Chennai - 600 082.

Copy To

The Section Officer,
ER Section, High Court,
Madras-104.

W.P.No.39504 of 2016

RSV(CO)
CS/29/09/2020

सत्यमेव जयते

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