

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2020

CORAM

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

W.P. No. 22400 of 2019

and

W.M.P. Nos. 21740, 21743 and 21744 of 2019

M/s. National Centre for Sustainable Coastal Management
Represented by its Director,
(Ministry of Environment, Forest and Climate Change,
Government of India)
Anna University Campus,
Chennai - 600 025. ... Petitioner

-vs-

1. The Assistant Provident Fund Commissioner
Office of the Employees Provident Fund Organization,
Regional Office, Chennai-II, No. 37, Royapettah High Road,
Chennai - 14.
2. The Recovery Officer,
Office of the Employees Provident Fund Organization,
Regional Office, Chennai-II, No. 37, Royapettah High Road,
Chennai - 14.
3. The Central Government Industrial Tribunal-cum-Labour Court,
Represented by its Registrar,
1st Floor, B Wing, Shastri Bhavan,
Haddows Road, Chennai - 6.
4. The Chief Manager
Union Bank of India, SME Guindy Branch,
No. S-10A, thiru-vi-ka Industrial Estate,
Guindy, Chennai - 32. ... Respondents

Prayer:- Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorari,
calling for the records of the First Respondent in its
proceedings No. CHN-II/TN/1064657/RECOVERY/Div18/REGIONAL/2019
dated 22.07.2019 and quash the same.

For Petitioner : Mr. N. Balamuralikrishnan

For Respondents: Mr. T.R. Sundaram,
Standing Counsel (for R1 & R2)

R3 - Tribunal

No appearance (for R4)

O R D E R

(through video conference)

Heard Mr. N.Balamuralikrishnan, Learned Counsel for the Petitioner and Mr. T.R.Sundaram, Learned Standing Counsel appearing for the First and Second Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner had filed appeals in EPFA Nos. 121 and 124 of 2019 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), against the orders in Nos. TN/MAS/CHN-II/ PDC/1064657/D-18/2019 dated 04.03.2019 and No. TN/CHN-II/Recy/CP1/TN/ 1064657/D-18/Reg1/2019 dated 21.05.2019 respectively passed by the First Respondent under Section 14-B of the Act. According to the Petitioner, it was not able to obtain orders on the application for interim stay in those appeals as they had not been listed immediately for hearing before the Tribunal at that time. In the meanwhile, the Second Respondent by Order No. CHN-II/TN/1064657/RECOVERY/Div 18/REGIONAL/2019 dated 22.07.2019 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 challenging the Order No. CHN-II/TN/1064657/RECOVERY/Div 18/REGIONAL/2019 dated 22.07.2019 passed by the Second Respondent.

3. This Court by an order dated 30.07.2019 had stayed the order impugned in this Writ Petition, which continues to be in force. It is informed that when the appeals were subsequently taken up for hearing on 13.12.2019 before the Tribunal, the following order had been passed:-

"Impugned Orders Nos. TN/MAS/CHN-II/PDC/1064657/D-18/2019 dated 04.03.2019 and TN/CHN-II/Recy/CP1/TN/1064657/D-18/Reg1/2019 dated 21.05.2019.

13.12.2019 XXX The Representing Counsel for both parties are present. This is an Appeal challenging the impugned order under 14-B for recovery of Rs.4,03,021/- and 2,07,513/- under 7Q. Seen the Scrutiny report. There is delay of 54 days. The delay by the Learned Counsel for the Appellant that the 7Q amount has already been remitted by the Appellant before the Respondent. The fact of remittance reflects in para F of case file of the Appeal Memorandum. Attention drawn. It is further submitted pending hearing of the Appeal on the point of admission, the Respondent issued 8F notice for recovery of the dues determined under 14B which is challenged before the Hon'ble High Court in WP No. 22400 of 2019. The Hon'ble Court granted interim stay of the 8F notice on 30.07.2019. The memo being enclosed with the copy of the writ petition order is furnished by the counsel for the Appellant.

Appeal u/s. 14B is admitted. It is felt not to pass any order with regard to the stay petition filed by the Appellant as much as the Hon'ble Court has already granted interim stay of the 8F notice arising out of the impugned order of the Respondent under 14B. Respondent to file counter.

List it on 03.03.2020."

4. Having regard to the aforesaid subsequent events, it would suffice to observe that the Tribunal is not precluded from passing any order, interim or final, in the appeals in EPFA Nos. 121 and 124 of 2019 as may be deemed fit and proper in accordance with law following the prescribed procedure after hearing the concerned parties. The First and Second Respondents shall await for fresh orders to be passed in the stay applications filed by the Petitioner in those pending appeals before the Tribunal, and shall not proceed further with the Order No. CHN-II/TN/1064657/RECOVERY/Div 18/REGIONAL/2019 dated 22.07.2019, or take any other form of coercive measures against the Petitioner, without the prior permission of the Tribunal.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

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