



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2020

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD)No.998 of 2020

M/s.NN626 Kannanur Primary Agricultural
Cooperative Credit Society,
Kannanur, Periya Kannanur Post,
Sivagangai District,
represented by its Secretary,
P.Maheswaran

... Petitioner

vs.

1.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
Ministry of Labour, Government of India,
Regional Office, Lady Doak College Road,
Chokkikulam, Madurai - 625 002.

2.The Recovery Officer,
Employees Provident Fund Organisation,
Ministry of Labour, Government of India,
Regional Office, Lady Doak College Road,
Chokkikulam, Madurai - 625 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 herein to allow the petitioner society to pay the outstanding determined amount of the Employees Provident Fund dues to the tune of Rs.5,23,502/- (Rs.Five Lakhs Twenty Three Thousand Five Hundred and Two only) in twelve equated monthly instalments in connection with letter No.MD/MDU/37480/8F/RO/RECY/M-08/2019, dated 03.10.2019 issued by the first respondent and consequently to direct the respondents not to take any coercive steps for recovery of the amount in any manner.

For Petitioner
For Respondents

:Mr.P.Mahendran
: Mr.V.S.V.Venkateswaran



O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus to direct the respondents to allow the petitioner to pay the outstanding amount towards Employment Provident Fund to the tune of Rs.5,23,502/- in twelve equal monthly instalments.

2.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.The petitioner is the Society covered under the Employment Provident Funds and Miscellaneous Provisions Act 1952. It is admitted by the petitioner that a sum of Rs.5,23,502/- became due towards payment of damages under Section 14(B) of the Act and towards interest under Section 7(Q) of the Act. It is stated that the petitioner has filed an appeal challenging the order directing payment of damages under Section 14(B) of the Act for the period from March 1999 to February'2011 and that the said appeal is pending before the Tribunal in E.P.F.A.No.211 of 2018. The petitioner himself has come forward with the present Writ Petition to pay the amount due in twelve equal monthly instalments. It is stated that the liability is not disputed and that the petitioner may not press the appeal challenging the order under Section 14(B) of the Act.

4.The learned Standing Counsel appearing for the respondents, having regard to the financial constraints of the petitioner, has no serious objection for directing the respondents to permit the petitioner to pay the outstanding amount of Rs.5,23,502/- in instalments. However, the learned Standing Counsel would suggest that instead of 12 monthly instalments, the petitioner may be directed to pay the dues in six equal monthly instalments.

5.In this case, the liability is admitted. The Society has come forward to pay the amount determined by way of damages and interest in twelve equal monthly instalments. When a specific question is put to the learned Counsel for the petitioner that whether the concession to pay the amount in instalments is requested without prejudice to the rights of the petitioner to prosecute the appeal, the learned Counsel submitted that they admit their liability and that they will not press the appeal or any proceedings challenging the quantum determined by the respondents towards damages and interest.

6.Considering the fairness and financial constraints of the petitioner Society, this Court is inclined to allow this Writ Petition. Accordingly, this Writ Petition is allowed and the respondents are directed to permit the petitioner to pay the outstanding amount of Rs.5,23,502/- in eight equal monthly instalments in terms of the proceedings, dated 03.10.2019 issued by



the first respondent. The petitioner shall commence the first instalment from 05.02.2020 and shall remit the entire amount due by 05.10.2020. Until the petitioner commits any default in making the payment, the respondents shall not take any coercive steps against the petitioner to recover the amount due. No costs.

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Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Cmr

TO

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+1 CC to M/s.V.S.V.VENKATESHVARAN, Advocate (SR-2355[F] dated 22/01/2020)

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-2709[F] dated 23/01/2020)

W.P. (MD) No. 998 of 2020
22.01.2020

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