



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.1286 of 2020

and

W.M.P. (MD) Nos.1036 & 1037 of 2020

WEB COPY

Ponnaiyah Ramajeyam Public

Higher Secondary School,

Rep. by its Correspondent P.Murugesan,

Medical College Road,

Thanjavur 613 004

... Petitioner

Vs.

Employees' Provident Fund Organization,

Rep. by its Assistant Provident Fund Commissioner,

Regional Office,

Trichy.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records related to the impugned demand letter of the respondent vide No.CB / TRY/7Q INTEREST / C-33 / 82512 / 2019-2020 passed u/s 7Q of Employees Provident Funds and Miscellaneous Provisions Act 1952 and the impugned order passed by the respondent in No.CB /TRY / 14B DAMAGES /C-33/ 82512/2019-2020 u/s 14 B of the Act dated 11/12/2019 and quash the same as illegal and consequently direct the respondent to desist further proceedings there upon.

For Petitioner : Mr.Veera Kathiravan, Senior Counsel
for M/s Veera Associates

For Respondent : Mr.G.Dharmaraja, Standing Counsel

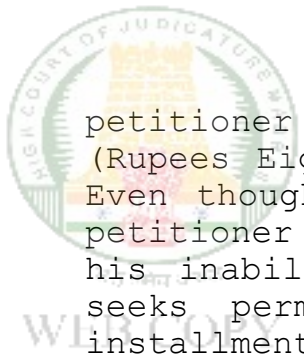
O R D E R

Mr.G.Dharmaraja, learned standing counsel takes notice for the respondents/Employees Provident Fund Organization.

2. By consent of both parties, the writ petition is taken up for final disposal.

3.This writ petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the respondent dated 11.12.2019 vide No.CB / TRY /14B DAMAGES /C-33/ 82512/2019-2020 and quash the same.

4.The respondent has passed an order in proceedings No.CB / TRY /14B DAMAGES /C-33/ 82512/2019-2020, dated 11.12.2019 demanding remittance of dues, which is inclusive of penal damages under Section 14B and interest under Section 7Q of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 against the



petitioner herein. The total due as per the order is Rs.8,05,810/- (Rupees Eight Lakhs and Five Thousand Eight hundred and ten only). Even though an appeal remedy is available against this order, the petitioner is willing to comply with the order. But he expresses his inability to make the payment in one stroke. Therefore, he seeks permission from this Court to make the payment in 20 installments.

5. The learned standing counsel appearing for the respondent would vehemently oppose the proposal made by the petitioner. The learned counsel would submit that 20 installments is too longer period and it should be restricted.

6. After some deliberations, the petitioner agreed that he would pay the demand in fifteen equal monthly installments.

7. Considering the factual circumstances, the petitioner is directed to make the demanded payment in 15 equal monthly installments and the first installment shall be paid on or before 15.02.2020. In case of any default, the respondent is entitled to initiate action in accordance with law.

8. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organization,
Regional Office,
Trichy.

+1 CC to M/s.G.DHARMARAJA, Advocate (SR-2857[F] dated 24/01/2020)
+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-2672[F]

Order made in

W.P(MD)No.1286 of 2020

Dated: 23.01.2020

SMA/05/02/2020/2P/4C