



WEB COPY

W.A.(MD)No.1124 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02.12.2020

CORAM

THE HON'BLE Mr. JUSTICE N.KIRUBAKARAN

AND

THE HON'BLE Mr. JUSTICE B.PUGALENDHI

W.A. (MD)No.1124 of 2014

and

M.P. (MD)No.1 of 2014

M/s.C.S.I. Kanyakumari Diocese,
Represented by it's Secretary,
Dr.M.J.Moses,
71A, Dennis Street,
Nagarcoil - 629 001.
Kanyakumari District.

.. Appellant

Vs.

1.The Presiding Officer,
Employees' Provident Fund Appellate Tribunal,
SCOPE MINAR,
CORE II, 4th Floor, Laxmi Nagar District Centre,
Laxmi Nagar, New Delhi - 110 092.

2.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Sub-Regional Office,
66, Water Tank Road, Nagercoil,
Kanyakumari District - 629 001.

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent,
against the order dated 27.08.2014, passed in M.P.(MD)No.1 of 2014
in W.P.(MD)No.14142 of 2014.

Prayer in MP(MD).1/2014 in WP(MD). 14142/ 2014 :

To stay of all further proceedings in pursuance to the
order of the 1st respondent in ATA No.579(13)2013,dated 15.4.2014 in
confirming the order of the 2nd respondent dated 29.11.2012.

Prayer in WP(MD). 14142/ 2014 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court To issue a writ of
Certiorari calling for the records on the file of the 1st respondent
in ATA No.579 (13) 2013, dated 15.4.2014 and quash the same.

For Appellant
For Respondents

: No Appearance
: No Appearance



JUDGMENT

(Judgment of the Court was delivered by N.KIRUBAKARAN, J.)

This Writ Appeal has been filed by the appellant against the interim order dated 27.08.2014, passed in M.P.(MD)No.1 of 2014 in W.P.(MD)No.14142 of 2014, directing the appellant to pay 50% of the Provident Fund and other charges payable by the appellant, on or before 18.09.2014.

2. It is evident from the records that the Writ Petition has been filed by the appellant challenging the order passed by the first respondent, confirming the order passed by the second respondent, directing the appellant to pay levy of damages. While admitting the Writ Petition, the learned Single Judge of this Court has granted an order of interim stay, directing the appellant to pay 50% of the Provident Fund and other charges payable by the appellant, on or before 18.09.2014. Moreover, because of pendency of the present Writ Appeal, the Writ Petition, which is pending from the year 2014, could not be disposed of.

3. At this juncture, it would be worthwhile to quote the decision rendered by a Division Bench of this Court in ***Southern Academy of Maritime Studies, Rep. by Director, Maritime Education Private Ltd., Chennai Vs. A.M.Akash and others*** reported in ***CDJ 2019 MHC 2548 [W.A.No.1819 of 2019, decided on 14.06.2019]***, wherein this Court after considering the earlier decisions of this Court, held that a writ appeal is not maintainable against an interim order.

4. In view of the above, the Writ Appeal is dismissed with a request to the learned Single Judge, to dispose of W.P.(MD)No.14142 of 2014, at the earliest. It is made clear that this Court has not expressed any opinion on the merits of the pending Writ Petition. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note :- In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Presiding Officer,
Employees' Provident Fund Appellate Tribunal,
SCOPE MINAR,
CORE II, 4th Floor, Laxmi Nagar District Centre,
Laxmi Nagar, New Delhi - 110 092.

2.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
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W.A. (MD)No.1124 of 2014
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