



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.01.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

WEB COPY

W.P (MD)No.27395 of 2019

M/s.NN 688 Melarangian
Primary Agricultural Co-operative Credit Society,
Melarangiam
Manamadurai Taluk
Sivagangai District 630 611
Represented by its Secretary
B.Ravirajan

... 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.

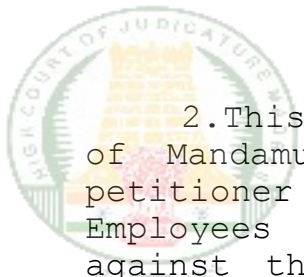
... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing 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.1,96,593/- as against the total outstanding amount of Rs.2,84,593/- in twelve equated monthly installments in connection with letter No.MD/MDU/29439/8F/RO/RECY/M-08/2019 dated 21.10.2019 issued by the first respondent and consequently, directing the respondents not to take any coercive steps for recovery of the amount in any manner.

For Petitioner : Mr.P.Mahendran
For Respondents : Mr.V.S.V.Venkateshwaran

ORDER

Heard Mr.P.Mahendran, learned counsel appearing for the petitioner and Mr.V.S.V.Venkateshwaran, learned counsel appearing for the respondents.



2.This writ petition has been filed seeking issuance of a writ of Mandamus, directing the respondents 1 and 2 to allow the petitioner Society to pay the outstanding determined amount of the Employees Provident Fund Dues, to the tune of Rs.1,96,593/- as against the total outstanding amount of Rs.2,84,593/- in twelve equated monthly installments in connection with letter No.MD/MDU/29439/8F/RO/RECY/M-08/2019 dated 21.10.2019 issued by the first respondent and further to direct the respondents not to take any coercive steps for recovery of the amount in any manner.

3.It is stated that there was a total arrears of Rs.2,84,593/- out of which, a sum of Rs.88,000/- has already been paid by the petitioner Society and only the balance amount of Rs.1,96,593/- has to be paid by the petitioner Society. It is further stated that since the Society is facing financial crisis, the said amount could not be paid by the Society.

4.The learned counsel appearing for the respondents also admitted that the outstanding amount of the petitioner Society is Rs.1,96,593/-.

5.When the matter is taken up for hearing today, the learned counsel appearing for the petitioner requested that the petitioner Society requires some breathing time for making the above mentioned payment and that the amount can be made in equal monthly installments as directed by this Court.

6.The learned counsel for the respondents has not seriously opposed the request made by the learned counsel for the petitioner.

7.Considering the above facts and circumstances of the case and the intention of the petitioner to make the payment, this Court is of the view that the petitioner is directed to make the payment of above sum of Rs.1,96,593/- in five equal monthly installments. The first installment should be paid on or before 3rd February 2020 and the consequent installments shall be paid on or before the third day of every English Calendar month. In case of any default in payment, it is open to the respondents to take action in accordance with law. Till such time, the respondents shall not take any coercive steps.

8.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To:

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.

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-236[F] dated 03/01/2020)

W.P (MD) No.27395 of 2019
02.01.2020

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SDS(10.01.2020) 3P-4C