

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.01.2021

CORAM

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P.No.1186 of 2021

&

W.M.P.Nos.1334 and 1336 of 2021

M/s. Schaeffler India Limited
Survey No.950, Rayakottah road
Hosur,
Tamilnadu-635109
Rep. By its Authorised Signatory ...Petitioner

Vs.

- 1.The Regional Provident Fund Commissioner-I
Employees Provident Fund Organisation
Regional Office
Salem Steel Plant Road
Dalavaipatti
Salem-636 302
2. The Branch Manager
ICICI Bank
GSN Arcade
Beside Vemalakalyana Mandapam
Hosur, Krishnagiri-635 109 ...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in proceedings No. CB/RO-SLM/COMP-II/34933/K-3/8F/2021 dated 12.01.2021, quash the same and forebear the 1st respondent from initiating any recovery or coercive proceedings till hearing of the stay application by the Central Government Industrial Tribunal cum Labour Court, Chennai in EPFA.No.117 of 2020.

For Petitioner : Mr.Haroon
for M/s. T.S.Gopalan and co

For Respondents : Mr.R.Thirunavukkarasu, Standing counsel
for R1

ORDER

Aggrieved over the order passed u/s. 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952
<https://hcservices.courts.gov.in/hcservices/>

(hereinafter referred to as EPF & MP Act) dated 24.09.2020 passed by the 1st respondent, the petitioner filed an appeal before the Central Government Industrial Tribunal, Chennai. The said appeal has been entertained and pending as EPFA.No.117 of 2020.

2. In the above said appeal, the petitioner has filed petitions to waive the condition of pre-deposit of the 75% amount demanded and a petition for stay. Both the petitions are pending before the Central Government Industrial Tribunal, Chennai without disposal.

3. During the pendency of these petitions, the 1st respondent has issued an order u/s. 8F of the EPF and MP Act, 1952 on 12.01.2021 and the same is under challenge before this Court. According to the petitioner, the attachment of his bank account during the pendency of the petitions before the Appellate Tribunal is erroneous and illegal.

4. Mr.R.Thirunavukkarasu, learned standing counsel enters appearance on behalf of the first respondent.

5. Heard both sides.

6. Admittedly, an appeal challenging the validity of the order passed u/s. 7A of the EPF & MP Act is pending before the Appellate Tribunal. It is also true to state that the Appellate Tribunal has power to waive the pre-conditional deposit to be made by the appellant. Simultaneously, the Appellate Tribunal has power to grant stay of the order passed by the 1st respondent. When the matter is seized of by the Appellate Tribunal, the action of the 1st respondent ordering attachment of the bank account is not justified. However, considering the objects of the beneficial legislation and also the balance of convenience, the following order is passed:

(a) There shall be an order of stay of impugned proceedings issued u/s. 8F of the EPF & MP Act dated 12.01.2021 till the disposal of the waiver petition and stay petition pending before the Appellate Tribunal in EPFA.No.117 of 2020.

(b) The Appellate Tribunal is directed to dispose of the waiver petition and the stay petition filed by the petitioner as expeditiously as possible.

(c) The 2nd respondent is directed to permit the petition to operate the bank account as usual.

With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Central Government Industrial Tribunal
cum Labour Court, Chennai

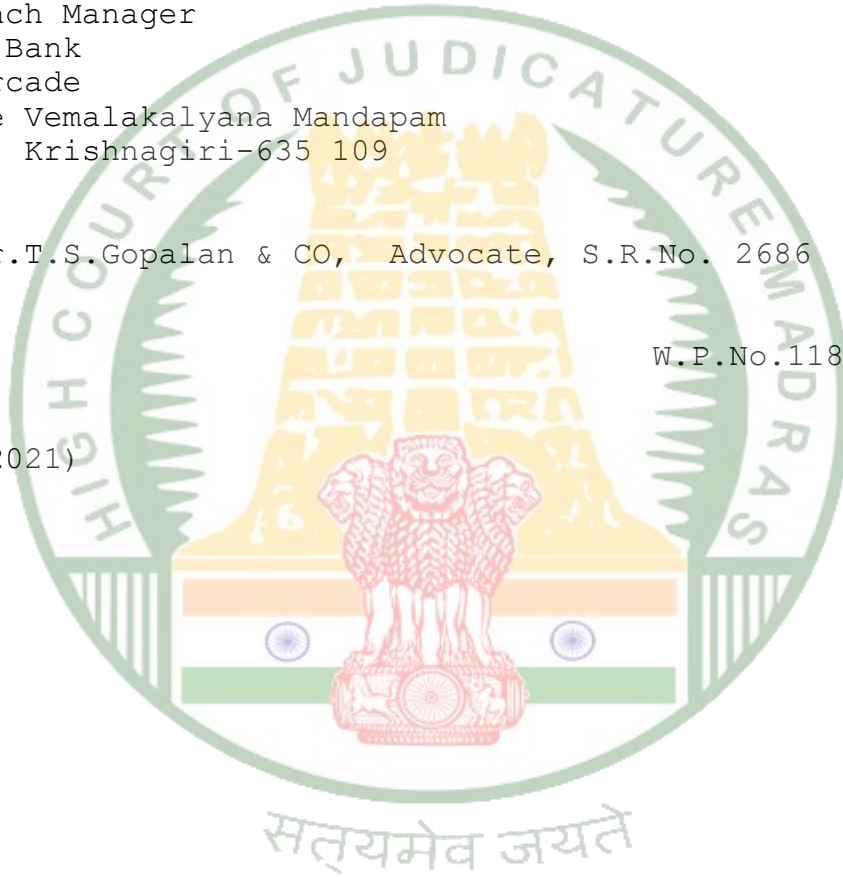
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Beside Vemalakalyana Mandapam
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+1cc to Mr.T.S.Gopalan & CO, Advocate, S.R.No. 2686

W.P.No.1186 of 2021

NRL (CO)
GN (12/02/2021)



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