

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

WP NO.2596 OF 2021

AND

WMP NO.2931 OF 2021

M.Sudhakaran

... Petitioner

Versus

1. The Regional Provident Fund Commissioner - II
Employees Provident Fund Organisation
Regional Office
37, Royapettah High Road,
Chennai - 600 014.
2. The Recovery Officer
Employees Provident Fund Organisation
Regional Office
37, Royapettah High Road,
Chennai - 600 014.
3. The Recovery Officer
Employees Provident Fund Organisation
Bhavishya Nidhi Bhavan,
P.B.No.3875, Balasundaram Road,
Coimbatore - 641 018.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to proceed against other Directors and further to invoke Garnishee proceedings against the debtors of the Company in terms of Section 8F of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, pursuant to the petitioner's representation dated 19.11.2020.

For Petitioner

:

Mr.Haroon Al Rasheed
for M/s.T.S.Gopalan & Co.,

For Respondents : Mr.C.Kulanthaivel
Standing Counsel for EPF

O R D E R

The petitioner is one of the Directors in a company by name Mira Southern Security and Detective Services Pvt. Ltd., which is covered under the Employees' Provident Fund & Miscellaneous Provisions Act, 1952. The respondents passed an order under Section 7-A of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952 and demanded contribution of the petitioner. The petitioner appears to have made some payments. However, payment towards principal, interest and damages are still pending to the tune of Rs.29,07,237/-. The respondents have initiated action to recover the dues and in that process, they ordered attachment of immovable properties of the petitioner. Now that the petitioner has not challenged the order passed under Section 7-A of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952. However, he would request the respondents to initiate Garnishee proceedings against his debtors. He has furnished the details of his clients, who owes him more than Rs.39,00,000/-, as under:

- "1. Resident Engineer
Utility Powertech Ltd.,
Vallur Thermal Power Project
P.O.Vellivoyal Chavadi, Ponneri Tk,
Thiruvallur District, Chennai - 600 103.
2. Mr.Pawar
Director
MEP Infrastructure Ltd.,
410, Boomerrang, Near Chandivali Studio,
Chandivali Farm Road, Andheri (E)
Mumbai - 400 072.
3. Paradise Food Court Pvt. Ltd.,
1-7-186 to 193, Paradise Circle,
Sarojini Devi Road,
Secunderabad - 500 003.
4. Heritage Foods Ind Ltd.,
6-3-541/C, Panjagutta,
Hyderabad - 500 082.

5. Mr.Sathya Moorthy
Director
Sathyam Grand Resort and Hotels
145, Chennai - Bangalore Highway,
Sriperumbudur - 602 105.

2. The representation in this regard made by the petitioner on 19.11.2020 to the first respondent is still pending. The respondents have not taken any action to recover the money from the Garnishees. Therefore, he preferred the present Writ Petition for a direction directing the respondents to invoke Garnishee proceedings against his debtors in terms of Section 8-F of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952.

3. Mr.C.Kulanthaivel, learned Standing Counsel, has taken notice on behalf of the respondents.

4. Considering the facts and circumstances, a direction is given to the first respondent to consider the petitioner's representation dated 19.11.2020 and pass orders taking into consideration Section 8-F of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952.

5. Till such time, the respondents are directed not to precipitate any action against the petitioner.

6. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

TK

To

1. The Regional Provident Fund Commissioner - II
Employees Provident Fund Organisation
Regional Office
37, Royapettah High Road, Chennai - 600 014.

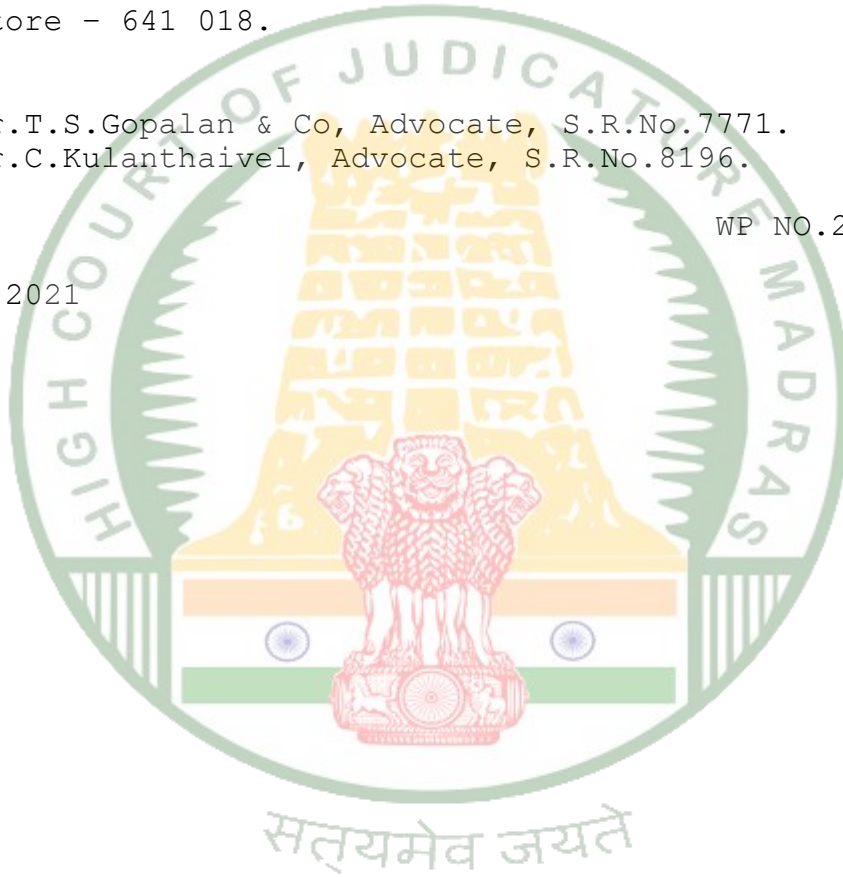
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Bhavishya Nidhi Bhavan,
P.B.No.3875, Balasundaram Road,
Coimbatore - 641 018.

+1cc to Mr.T.S.Gopalan & Co, Advocate, S.R.No.7771.
+1cc to Mr.C.Kulanthaivel, Advocate, S.R.No.8196.

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PP(CO)
CSR 19.03.2021



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