

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.4111 of 2021
and
W.M.P.No.4689 of 2021

M/s.M.M.Forgings Ltd Plant II,
Fore Shop Division,
Erasanyakanpatti - 621 316,
Rep.by its Vice President Operations ... Petitioner

Vs.

- 1.The Presiding Officer,
Employees Provident Fund Appellate Tribunal (CGIT),
Shastri Bhavan, Chennai - 600 006.
- 2.Recovery Officer / Assistant P.F.Commissioner,
Regional Office,
P.B.No.588, Shree Complex, 'D' Block,
No.18, Madurai Road, Trichy - 620 008. ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to permit the petitioner to contest the ATA 540 of 2018 on merits and dispose of the same within a time frame to be fixed by this Hon'ble Court.

For Petitioner : M/s.D.Veda

For Respondents : M/s.V.J.Latha

O R D E R

The petitioner has approached this Court with a grievance that without any information with regard to the transfer of appeal from Bangalore Bench to Chennai Bench, orders came to be passed by the Appellate Tribunal.

2. According to the learned counsel for the petitioner, the appeal was filed and initially stay was granted by the Tribunal at Bangalore on 09.05.2016. However, it appears that the appeal was transferred to Chennai Bench and no notice or information was served on the petitioner regarding transfer of appeal.

Insofar as the petitioner was not put on notice that the appeal was transferred to Chennai Bench, the order of attachment passed by the second respondent is not sustainable. Now it is submitted that the interim order was passed directing the petitioner to deposit 50% of the amount demanded on or before 30.04.2020 and the petitioner came to know about the subsequent development, only when the respondent initiated recovery proceedings during the Month of February 2021. Therefore, the petitioner seeks to permit them to participate in the appeal proceedings by setting aside the previous orders.

3. In any appeal, the appellant should be provided with an opportunity to put forward his case. If the appeal is transferred from Bangalore to Chennai, it is incumbent on the transferred bench to inform the parties as to the transfer and the renumbering of the appeal and the future hearing dates. Since, it is submitted that no such information was given, I am inclined to set aside the orders consequent to transfer. Accordingly, the Central Government Industrial Tribunal is directed to take up the appeal by ATA No.540 of 2018 afresh and proceed further in accordance with law.

4. This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

Pns

To

1.The Presiding Officer,
Employees Provident Fund Appellate Tribunal (CGIT),
Shastri Bhavan, Chennai - 600 006.

2.Recovery Officer / Assistant P.F.Commissioner,
Regional Office,
P.B.No.588, Shree Complex, 'D' Block,
No.18, Madurai Road, Trichy - 620 008.

+1cc to M/s.V.J.Latha, Advocate, SR.No.18064

W.P.No.4111 of 2021

PMK (CO)
CB(08/07/2021)