

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.7270 of 2021

Mohan Breweries and Distilleries Ltd.,
near PIPDIC Industrial Estate,
Mettupalayam, Pondicherry - 605 009.
Rep.by its Deputy General Manager (Personnel).

... Petitioner

Vs.

The Regional Provident Fund Commissioner II,
Employees Provident Fund Organisation,
Regional Office, 101, 100 Feet Road,
SreeVenni Commercial Complex, Chollan Nagar,
Olandaikeerapalayam, Puducherry - 605 004.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus, forbearing the respondent from initiating any recovery or coercive action pursuant to its order dated 30.07.2019 passed under Section 14 B of the Act in proceeding No.TN/PDY/RO/PDC/PC/2203/Enf-2/PROC/2019 (Damages), till such time the appeal filed by the petitioner before the Central Government Industrial Tribunal cum Labour Court, Chennai in EPFA No.196 of 2019 is taken up for admission.

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

For Respondent: Ms.V.J.Latha
Standing Counsel

O R D E R

The writ petitioner has come up with the grievance that during the pendency of his appeal against the order passed under Section 14 b of the Act in proceedings No. TN/PDY/RO/PDC/PC/2203/Enf-2/PROC/2019(Damages)in EPFA No.196 of 2019 before the Industrial Tribunal cum Labour Court, Chennai, the respondents are contemplating recovery action.

2. On instructions, the learned counsel for the respondent would submit that the Department has already issued a circular dated 05.08.2020, wherein, instructions were given to the Enforcement Official not to take recovery action in view of pandemic situation, where the appeals are pending. Therefore, no recovery action will be initiated in the above matter.

3. The submission made by the learned counsel for the respondent is recorded.

4. Since no recovery action will be initiated against the writ petitioner in view of the circular issued by the respondents dated 05.08.2020 pending disposal of EPFA No.196 of 2019, no further orders are required in this Writ Petition. It is also submitted that the Appellate Tribunal has resumed its function recently and therefore, a direction is given to the Appellate Tribunal to dispose of the appeal, as expeditiously as possible.

5. The writ petition is ordered by the above terms. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

Pns

To

1.The Regional Provident Fund Commissioner II,
Employees Provident Fund Organisation,
Regional Office, 101, 100 Feet Road,
SreeVenni Commercial Complex, Chollan Nagar,
Olandaikeerapalayam, Puducherry - 605 004.

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

+1 cc to Mr.T.S.Gopalan and Co., Advocate SR No.18670
+1 cc to Ms.V.J.Latha, Advocate SR No.19397

W.P.No.7270 of 2021

PCH(CO)
RG.19.04.2021