



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2021

CORAM:

THE HON'BLE MR. JUSTICE V.PARTHIBAN

W.P.No.11465 of 2021
and W.M.P.No.12203 of 2021

S.Venkatesan

..Petitioner

vs.

1. The Regional Provident Fund

Commissioner-II (C&R),
O/o.Employee's Provident Fund Organisation,
Ministry of Labour and Employment,
Regional Office NO.37,
Royapettah High Road,
Chennai 600 014.

2. The Branch Manager,

Indian Bank,
Arumbakkam Branch,
No.10/2, Lakshmiammal Street, Near MMDA Water Tank,
Ayyavu Colony, Arumbakkam,
Chennai 600 106.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records of the 1st respondent in proceedings No. CHN / TN / 49196 / 24 / 8F / RECOVERY / REGIONAL / 2021 dated 09.03.2021 and quash the same and consequently direct the 1st respondent to strictly adhere the procedure established by law.

For Petitioner : Mr.G.Peranban

For Respondents : Mr.Sanjeevi Kumar

Special Government Pleader

O R D E R

The petitioner is before this Court, being aggrieved by the act of the first respondent towards deduction of Provident Fund payable to him. The petitioner has raised number of grounds assailing the impugned action of the first respondent.

2. This Court is not inclined to entertain the writ petition for the simple reason that there is a specific provision under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 for preferring an appeal against any order of the first



respondent. An appeal before the Appellate Tribunal is the most effective alternative remedy that is contemplated under the Statute, which under no circumstances can be by-passed by the petitioner. Moreover, nothing has been indicated in the affidavit filed in support of the writ petition as to why the appeal remedy, which is provided under the Act, could not be availed. Even otherwise, this Court is of the view that in matters like this, proper course for the petitioner is to exhaust the alternative remedy before invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. In view of the said procedure, this Court is not inclined to entertain this writ petition.

3. Therefore, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

jvm

To

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W.P.No.11465 of 2021

SRA(CO)
SP(20/07/2021)