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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2021

:CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.14969 of 2021
and
WMP.No.15858 of 2021

M/s.GOMS Integrated Facility Management Pvt. Ltd.,
Rep. by its Authorised Signatory
18/9, Maharishi Garden,
3rd Floor, CIT Colony, 5th Cross Street,
Mylapore, Chennai-600 004. ... Petitioner

-VS-

Assistant Provident Fund Commissioner (Comp),
Employees Provident Fund Organisation,
(Ministry of Labour and Employment, Govt. of India)
Regional Office, Bhavishya Nidhi Bhawan,
No.37, Royapettah High Road,
Chennai-600 014. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the respondent in proceedings no.CHN-1/D/26/TN/1632853/Enf/Regl/2021 and quash its order dated 30.06.2021 and consequently direct the respondent to hold afresh enquiry under Section 7A of EPF & MP Act by giving due opportunity to the petitioner.

For Petitioner : Mr.S.Ravindran
Senior Counsel
for Mr.S.Bazeerahamed.

For Respondent : Mr.R.Vishnu (R1)

O R D E R

The petitioner has come forward with this Writ Petition challenging the proceedings no.CHN-1/D/26/TN/1632853/Enf/Regl/2021 passed by the respondent dated 30.06.2021 and consequently direct the respondent to hold a fresh enquiry under Section 7A of Employees Provident Funds and Miscellaneous Provisions Act, 1952 (in short 'the Act') by giving due opportunity to the petitioner.



2. Mr.R.Vishnu, learned counsel takes notice for the first respondent. By consent of both sides, this Writ Petition is taken up for hearing and disposed of at the stage of admission itself.

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3. Normally, this Court will not entertain a Writ Petition of this nature, as the Petitioner/Management, without exhausting the Appeal remedy has straight away approached this Court. However, in the present case on hand the petitioner has got a remedy by way of review and therefore this Court is inclined to interfere with the order taking note of the pandemic situation prevailed during that time.

4. Accordingly, this Writ Petition is disposed of and the petitioner is permitted to file review within the time stipulated under the Act, on payment of costs of Rs.15,000/- in toto as ordered by the Employees Provident Fund Authorities, within a period of one week from the date of receipt of a copy of this order. On such review being filed, the employer is also permitted to file additional documents in support of the contention as the order passed under Section 7 A of the Act is an exparte order and Review needs to be decided on merits and denovo enquiry need to be conducted and a decision should be rendered. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

arr

To

The Assistant Provident Fund Commissioner (Comp),
Employees Provident Fund Organisation,
(Ministry of Labour and Employment, Govt. of India)
Regional Office, Bhavishya Nidhi Bhawan,
No.37, Royapettah High Court,
Chennai-600 014.

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NMI(CO)
SB(27/08/2021)