

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.252 of 2018 and
WMP No.314 of 2018

M/s.Udumalpet Town Co-op. Stores Ltd.,
Rep. by its Secretary A.Durairaj ... Petitioner

-vs-

- 1.The Assistant Provident Fund Commissioner,
Dr.Balasundaram Road,
Coimbatore-641 018.
- 2.The Recovery Officer,
Employees Provident Fund Organisation,
Dr.Balasundaram Road,
Coimbatore-641 018. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records in Ref.No.TN/CBE/PDC/25841/PROCEEDINGS/2006 dated 14.09.2006 passed by the first respondent and quash the same.

For Petitioner : Mr.Gopalakrishnan

For Respondents: Ms.R.Meenakshi

सत्यमेव जयते
O R D E R

This Writ Petition is filed, to quash the proceedings in Ref.No.TN/CBE/PDC/25841/ PROCEEDINGS/2006 dated 14.09.2006 passed by the first respondent.

2. The learned counsel for the petitioner vehemently contended that no show cause notice and order copy have been served to the petitioner and that the petitioner has been served with the copy of the order only in the year 2017, which lead to the filing of the present Writ Petition and that there is no delay at all. This is the only point canvassed by the petitioner.

3. The Employees' Provident Fund Department has produced the document to show that the demand notice and other proceedings have already been served on the Petitioner

Management and copy of the acknowledgement Card has also been produced wherein it has been clearly stated that the proceedings in TN/CBE/PDC/25841/RC4-CP1/PDC/2007, dated 12.04.2007 was received by the Management as early as on 25.06.2007. That being the case, the stand of the petitioner has no knowledge of any of the proceedings is far fetched. That apart, there is a delay of 13 years i.e., more than a decade in challenging the impugned order. Hence, this Court is not inclined to grant the relief sought for by the petitioner and the Writ Petition is dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

vum

To

1.The Assistant Provident Fund Commissioner,
Dr.Balasundaram Road,
Coimbatore-641 018.

2.The Recovery Officer,
Employees Provident Fund Organisation,
Dr.Balasundaram Road,
Coimbatore-641 018.

+1cc to Ms.R.Meenakshi, Advocate SR.No.23266

+1cc to Mr.Gopalakrishnan, Advocate SR.No.23439

सत्यमेव जयते

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LN (CO)
GMY (02/07/2021)

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