



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

W.P.No.23899 of 2014

M/s.Icon House Hold Products Pvt.Ltd.,
Rep.by its Managing Director
D.Sivasankaran,
Plot No.3075, 13th Main road,
'Z' Block, 4th street,
Shanthi Colony, Anna Nagar,
Chennai 600 040

... Petitioner

Vs

1. The Assistant Commissioner (Comp)
Employees Provident Fund Organisation
Sub-Regional Office
(Ministry of Labour & Employment,
Government of India)
101, 100 Feet road,
Sree Venni Commercial Complex
Cholan Nagar,
Olandai Kerapalayam
Puducherry 605 004.

2. The Recovery Officer,
Employees Provident Fund Organisation
Sub-Regional Office,
(Ministry of Labour & Employment,
Government of India)
101, 100 Feet road,
Sree Venni Commercial Complex
Cholan Nagar,
Olandai Kerapalayam
Puducherry 605 004.

... Respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records on the file of the 1st respondent in his proceedings in TBM/SRO/PCY/PC1001/Comp/Div-II/2014 dated 10.06.2014 and quash the same.

For Petitioner : Mr.M.Vijayakumar
For Respondents: Mrs.V.J.Latha



ORDER

This writ petition has been filed, seeking to call for the records on the file of the 1st respondent in his proceedings in TBM/SRO/PCY/PC1001/Comp/Div-II/2014 dated 10.06.2014 and quash the same.

2. Learned counsel for the Respondents represented that the petitioner had earlier approached this Court by filing a Writ Petition in W.P.No.7872 of 2014 challenging the order dated 19.03.2014 and this Court did not entertain the writ petition on the ground of availability of alternative remedy of appeal. However, the petitioner, without preferring any appeal under Section 7-I of the EPF Act, chose to file a Review Petition under the provisions of the Act.

3. Heard the learned counsel on either side.

4. It is seen that admittedly, the petitioner, without exhausting the appeal remedy under Section 7-I of the EPF Act, has straightaway approached this Court. Further, the petitioner, instead of putting forth the defence available to him before the Authorities by filing an Appeal, has adopted the tactics of filing writ petitions one after another, so as to protract the proceedings, issued on 19.02.2014 in respect of recovery of arrears of amount, viz., Rs.1,35,683/-. Now almost seven years have gone-by and the petitioner, without availing the alternative remedy has filed this writ petition.

5. It is represented that the Company is under the process of liquidation and the proceedings are with the official liquidator. If that is the case, it is open to the EPFO/Employees to get the monetary benefits due to them in terms of Sections 325 to 327 of the Companies Act, 2013. When the petitioner / Management has not availed the alternative opportunity at the earliest point of time, the contention raised by them that the action initiated by the EPFO, by way of passing a non-speaking order does not hold good, cannot be entertained at this stage.

6. Hence, for the above reasons, the Writ Petition is dismissed as devoid on merits. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar



dpq

To

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W.P.No.23899 of 2014

GJ(CO)
CB(18/08/2021)