



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.133 of 2021

and W.M.P.(MD).Nos.122 to 124 of 2021

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M/s.Karuppasamy Security Services,
rep. by its Partner,
Mr.G.Durairaj,
16, Anna 1st Street, Maruthupandi Nagar,
Singarayar Colony,
Madurai - 625 002.

...Petitioner

Vs.

1.The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organisation,
Regional Office,
No.1, Lady Doak College Road,
Chokkikulam, Madurai - 625 002.

2.The Senior Manager,
Canara Bank,
P & T Nagar Road,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to quash the impugned order of the First respondent to the second respondent in reference No.RO/MD/MDU/58363/ENF'B'/M4/8F/2020, dated 10.12.2020, for deducting the amount of Rs.36,94,949/- from petitioner bank account and to issue such other appropriate directions or orders to the respondent and grant such other remedy and relief to this petitioner as this Court may deem fit.

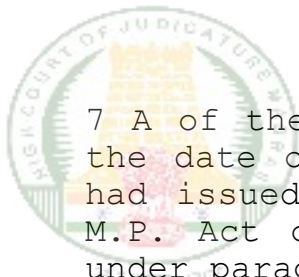
For Petitioner : Mr.M.N.Ramkumar

For Respondents : Mr.K.Murali Sankar for R1
Standing Counsel
Mr.N.Dilip Kumar for R2
Standing Counsel

O R D E R

Heard Mr.M.N.Ramkumar, learned counsel appearing for the petitioner, Mr.K.Murali Sankar, learned Standing counsel appearing for the first respondent and Mr.N.Dilip Kumar, learned Standing counsel appearing for the second respondent.

2.The order under Section 7 A of the E.P.F. & M.P. Act, came to be passed on 24.11.2020 and under paragraph 79 A of the E.P.F. Scheme, 1952, if any person aggrieved the order passed under Section



7 A of the Act, is entitled to file a Review, within 45 days from the date of the order. In the present case, the first respondent had issued the recovery notice under Section 8 F of the E.P.F. & M.P. Act on 10.12.2020, which is within a review time stipulated under paragraph 79 A of the E.P.F. Scheme.

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3.The learned counsel for the petitioner also submitted that within the time prescribed, they had preferred the review also, which is pending. Nevertheless, since the recovery order has been passed even before the expiry of the time limit for preparing a review, the order itself cannot be sustained, since it would deprive the petitioner to invoke the review remedy available to him under the scheme.

4.Accordingly, the impugned order of the First respondent to the second respondent in reference No.RO/MD/MDU/58363/ ENF'B' / M4/8F/2020, dated 10.12.2020, is quashed and the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organisation,
Regional Office, No.1, Lady Doak College Road,
Chokkikulam, Madurai - 625 002.

2.The Senior Manager, Canara Bank,
P & T Nagar Road, Madurai.

+1 CC to M/s.K.MURALI SANKAR, Advocate (SR-3660[F] dated 08/02/2021)
+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-3624[F] dated 05/02/2021)

W.P. (MD) No.133 of 2021

04.02.2021

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