



WEB COPY

W.A.(MD)No.933 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

and

THE HONOURABLE MRS. JUSTICE R.PONGIAPPAN

W.A. (MD)No.933 of 2013

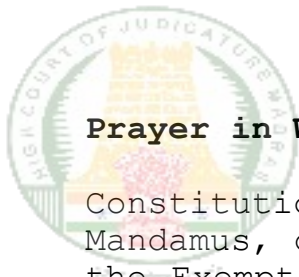
and

M.P (MD)No.1 of 2013

- 1.The Regional Provident Fund Commissioner,
Bhavishya Nidhi Bhawan
Employees Provident Fund Organisation,
Lady Doak College Road,
Chokkikulam,
Madurai - 625 002 ..1st Appellant/4th Respondents
- 2.Union of India
represented by the Secretary to Government,
Ministry of Labour,
New Delhi ..2nd Appellant/5th Respondent
Vs.
- 1.M/s.Krishnapuram Weavers Co-operative
Production and sales Society Limited,
represented by its Special Officer,
No.20, Krishnapuram Colony,
Madurai - 625 014. ..1st Respondent/Petitioner
- 2.The Central Provident Fund,
Commissioner,
HUDCO Vishala,
No.14, Bikaji Came Place,
New Delhi - 26. ..2nd respondent/1st respondent
- 3.The State of Tamil Nadu
represented by its Secretary to Government,
Industries Department,
Fort St.George,
Chennai - 600 009. ..3rd respondent/2nd respondent
- 4.The Director of Handlooms and Textiles,
Kuralagam, 2nd floor,
Chennai - 600 108. ..4th Respondent/3rd respondent

PRAYER: This Writ Appeal has been filed under Clause 15 of the Letters Patent, against the order dated 26.11.2008, passed by this Court in W.P.(MD).No.10375 of 2008 and M.P.(MD).No.1 of 2008.

<https://hseervices.courts.gov.in/hseervices/>



Prayer in WP(MD) . 10375/ 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the 5th respondent to pass appropriate orders on the Exemption petition preferred by the 2nd respondent herein dated 08/05/1995 bearing letter No. 14193/D2/94-7 and consequently forbearing the 1st and 4th respondent from taking any coercive steps till final order passed by the 5th respondent on the exemption petition preferred by the 2nd respondent.

For Appellants : Mr.Murali Shankar
For R1 : Mr.G.Murugan
For R2 : No appearance

J U D G M E N T

(Judgment of the Court was delivered by V.BHARATHIDASAN, J.)

This Writ Appeal has been filed against the order passed by the learned single Judge in W.P(MD)No.10375 of 2008, dated 26.11.2008.

2. The first respondent herein filed the writ petition seeking for a direction to the Central Government, to pass orders on the request made by the State Government, to exempt the writ petitioner from the purview of Provident Fund Act. The learned single Judge, by an order dated 26.11.2008, disposed of the writ petition with the direction to the Central Government, to consider the recommendation made by the State Government, dated 22.12.1997, for granting exemption to the petitioner Co-operative Weavers Society from the applicability of the Act.

3. We have heard the learned counsel for the appellants, the learned counsel for the first respondent and perused the materials available on record.

4. The Writ Petition has been filed on the ground that, the petitioner Co-operative Society is running in loss and they are not in a position to pay the provident fund under the Employees Provident Fund Act. Considering this circumstances, the State Government made a recommendation to the Central Government on 22.12.1997, for granting exemption from the purview of the Act and that recommendation was not considered and so far no order has been passed. Hence, the present writ appeal has been filed. The learned single Judge only directed the Central Government to consider the recommendation made by the State Government and pass suitable orders, which will cause no prejudice to the appellant / Employees Provident Fund Organisation. Hence, we find no merit in this writ appeal and the same is liable to be dismissed.



5. In the result, this Writ Appeal is dismissed. As the recommendation made by the State Government is still pending, the Central Government is directed to consider the recommendation made by the State Government, dated 22.12.1997, and pass suitable orders, as expeditiously as possible. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

To

1.The Secretary to Government,
State of Tamil Nadu,
Industries Department,
Fort St.George,
Chennai - 600 009.

2.The Director of Handlooms and Textiles,
Kuralagam, 2nd floor,
Chennai - 600 108.

3.The Central Provident Fund,
Commissioner,
HUDCO Vishala,
No.14, Bikaji Came Place,
New Delhi - 26.

4.The Regional Provident Fund Commissioner,
Bhavishya Nidhi Bhawan
Employees Provident Fund Organisation,
Lady Doak College Road,
Chokkikulam, Madurai - 625 002

5.The Secretary to Government,
Union of India
Ministry of Labour,
New Delhi.

+1 CC to M/s.R.SARAVANAN, Advocate (SR-30222[F] dated 24/09/2021)

+1 CC to M/s.K.MURALI SANKAR, Advocate (SR-30368[F] dated 27/09/2021)

W.A.(MD)No.933 of 2013
24.09.2021

PS (CO)

KB(11.10.2021) 3P 7C

<https://hcservices.ecourts.gov.in/hcservices/>