



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P. (MD)No.4348 of 2011

and

M.P. (MD)No.2 of 2011

Kumaravel

... Petitioner

versus

1. The District Manager,
TASMAC,
Thondi Road,
Palamalai Nagar,
Sivagangai.

2. The Assistant Provident Fund Commissioner,
Employee's Provident Fund Organization,
Regional Office,
Lady Doak College Road,
Chokkikulam,
Madurai - 625 002.

...Respondent

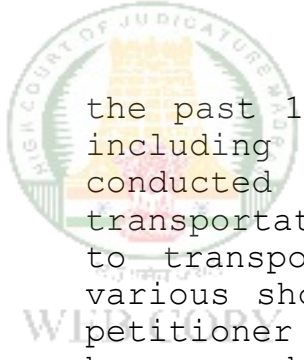
Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, to call for the records on the file of the 2nd respondent made in TN/42988/ENFC/M8/11 dated 28.03.2011 and consequential proceedings of the 1st respondent made in Na.Ka.No.A/106/2010 dated 05.04.2011 and quash the same.

For Petitioner	:	Mr.R.Murali
For Respondents	:	Mr.H.Arumugam, Standing Counsel for R1 Mr.K.Muralisankar, Standing Counsel for R2

ORDER

This writ petition has been filed seeking for the issuance of Writ of Certiorari, to call for the records on the file of the 2nd respondent made in TN/42988/ENFC/M8/11 dated 28.03.2011 and consequential proceedings of the 1st respondent made in Na.Ka.No.A/106/2010 dated 05.04.2011 and quash the same.

2. The petitioner is involved in transportation business for
<https://hcservices.ecourts.gov.in/hcservices/>



the past 10 years and he is a contractor for the various agencies including the 1st respondent herein. The first respondent had conducted auction every year to appoint a contractor for transportation purposes. The successful person in the auction has to transport IMFL bottles from the godown of 1st respondent to various shops in Sivagangai District. For the past two years, the petitioner is the transporting contractor for the 1st respondent and he engaged his employees for loading and unloading the IMFL bottles in the godown and at the shops. Due to the intervention of third parties, he faced difficulties in paying EPF Contribution. While so, the 2nd respondent, by his proceedings dated 28.03.2011, directed the petitioner to submit the code number, date of coverage, name of the employees, number of subscribers and other related details and by another proceedings dated 28.03.2011, informed the petitioner that there was arrears to the tune of Rs.8,77,928/- towards EPF for the period from March 2009 to January 2011. The second respondent also requested the first respondent not to disburse the amount of Rs.8,77,928/- to the petitioner. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submitted that without conducting any adjudication proceedings, the second respondent passed the above said proceedings, which are wholly unsustainable. Therefore, this Court may issue a direction to the second respondent to conduct adjudication and thereafter, pass appropriate orders. The first respondent may also be directed to release the payment in favour of the petitioner.

4. The learned Standing Counsel appearing for the respondents has no serious objection for the same.

5. Considering the submissions made by both sides, this Court directs the second respondent to conduct adjudication proceedings and after hearing the petitioner, pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. Thereafter, based on the said adjudication proceedings, the first respondent shall pass appropriate orders, as to releasing the amount due and payable to the petitioner.

6. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

Sub Assistant Registrar (CS)



1. The District Manager,
TASMAC,
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Sivagangai.

2. The Assistant Provident Fund Commissioner,
Employee's Provident Fund Organization,
Regional Office,
Lady Doak College Road,
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Madurai - 625 002.

1CC TO MR.M.SURESHKUMAR, ADVOCATE SR 13926
1CC TO MR. H. ARUMUGAM, ADVOCATE SR 14026
1CC TO MR. K. MURALISANKAR, ADVOCATE SR 13844

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