



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.1846 of 2021

and

W.M.P. (MD) .Nos.1581 & 1582 of 2021

WEB COPY

Nagercoil City Municipal Corporation,
Represented by its Commissioner,
Nagercoil, Kanyakumari District.

...Petitioner

Vs.

- 1.The Regional Provident Fund Commissioner-II,
Employees' Provident Fund Organization,
Regional Office, 65A, Water Tank Road, Nagercoil-629 001.
2. The Assistant Commissioner / Recovery Officer,
Employment Provident Fund Organization,
Regional Office, Nagercoil, Kanyakumari District.
3. The Branch Manager,
Indian Bank, Nagercoil Branch,
165, Women's Christian College Road,
Nagercoil-629 001.
4. The Branch Manager,
State Bank of India, SME Branch,
146-B, Distillery Road, Vadasery, Nagercoil-629 001.
5. The Nagercoil Registered Contractors Association,
Through its President,
121, Puthukudiyuruppu, Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records on the file of the second respondent in TN/NGL/79435/Recy/8F/2020, dated 24.11.2020 issued to the respondents 3 and 4 and quash the same.

For Petitioner : Mr.K.Chellapandian
Additional Advocate General
assisted by
Mr.P.Athimoolapandian
For R-1 & R-2 : Mr.K.Gurunathan

O R D E R

Heard Mr.K.Chellapandian, learned Additional Advocate General assisted by Mr.P.Athimoolapandian, learned counsel appearing for the petitioner and Mr.K.Gurunathan, learned counsel appearing for the respondent Nos.1 and 2.



2. The order impugned in the present writ petition is consequential order passed under Section 8F of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 (hereinafter referred as "the Act").

3. The learned Additional Advocate General appearing for the petitioner would submit that though they had initially not challenged the order passed under Section 7A(1) of the Act, they are willing to avail the appeal remedy, this Court may take a lenient view and extend some time for preferring an appeal.

4. Taking note of the submissions made by the learned Additional Advocate General appearing for the petitioner and by extending a lenient view, the petitioner herein is granted liberty to file an appeal against the original order passed under Section 7A(1) of the Act, within a period of thirty (30) days from the date of receipt of a copy of this order.

5. In the event of filing an appeal before the Tribunal (Employee Provident Fund Appellate Tribunal), the Tribunal is called upon to entertain the appeal, without insisting for an application to condone the delay or seeking for any pre-deposit and dispose of the appeal on its own merits and pass appropriate orders in accordance with law as expeditiously as possible. In view of the liberty granted, the consequential order passed by the second respondent under Section 8F of the Act in TN/NGL/79435/Recy/8F/2020, dated 24.11.2020 is quashed.

6. Incase the petitioner fails to prefer the appeal as stated above, the earlier order passed under Section 8F of the Act shall be revived and the respondents would be at liberty to proceed with the same in accordance with law, without any further orders of this Court.

7. With the above observations, the Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

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



To

1.The Regional Provident Fund Commissioner-II,
Employees' Provident Fund Organization,
Regional Office, 65A, Water Tank Road, Nagercoil-629 001.

2. The Assistant Commissioner / Recovery Officer,
Employment Provident Fund Organization,
Regional Office, Nagercoil, Kanyakumari District.

3.The Nagercoil City Municipal Corporation,
Represented by its Commissioner,
Nagercoil, Kanyakumari District.

+1 CC to M/s.K.GURUNATHAN, Advocate (SR-8352[F] dated 03/03/2021)

+1 CC to M/s.P.ATHIMOOLAPANDIAN, Advocate (SR-8099[F] dated
02/03/2021)

W.P.(MD) No.1846 of 2021

Dated :

02.03.2021

SSS(CO)

KB(17.03.2021) 3P 5C