



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.5426 of 2020

and

W.M.P. (MD) .Nos.4719 & 4720 of 2020

The Commissioner,
Ambasamudram Municipality,
Ambasamudram-627 425,
Tirunelveli District.

...Petitioner

Vs.

1. The Employees' Provident Fund Organization,
Represented by its Regional Provident Fund
Commissioner-II, Bhavishya Nidhi Bhavan,
NGO-B Colony, Perumalpuram Post,
Tirunelveli-627 007.

2. The Enforcement Officer,
Employees' Provident Fund Organization,
(Ministry of Labour and Employment,
Government of India),
Regional Office, NGO-B Colony,
Tirunelveli-627 007.

3. The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organization,
(Ministry of Labour and Employment,
Government of India), Regional Office,
NGO-B Colony,
Tirunelveli-627 007.

4. The Manager,
State Bank of India,
Ambasamudram,
Tirunelveli 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 pertaining to the impugned orders passed by the first respondent vide proceeding in third respondent vide proceedings in No.MD/TNY/89300/C13/7A/1909/2020 dated 06.02.2020 and consequential order in No.TN/TNY/89300/Circle.13/CD-I/2020 dated 03.03.2020 and quash the same.

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For Petitioner : Mr.M.Rajarajan
Additional Government Pleader
For R-1 to R-3 : Mr.K.Gurunathan
For R-4 : Mr.C.Karthik

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O R D E R

Heard Mr.M.Rajarajan, learned Additional Government Pleader appearing for the petitioner, Mr.K.Gurunathan, learned counsel appearing for the respondent Nos.1 to 3 and Mr.C.Karthik, learned counsel appearing for the fourth respondent.

2. The orders impugned in the present writ petition are the original order passed by the third respondent under Section 7A of the Employees' Provident Fund Acts and Miscellaneous Provisions Act, 1952, vide proceedings in No.MD/TNY/89300/C13/7A/1909/2020 dated 06.02.2020 and the consequential order passed by the third respondent under Section 8F of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 (hereinafter referred as "the Act") vide proceedings in No.TN/TNY/89300/Circle.13/CD-I/2020 dated 03.03.2020.

3. The learned Additional Government Pleader 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 Government Pleader 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 third respondent under Section 8F of the Act in No.TN/TNY/89300/Circle.13/CD-I/2020 dated 03.03.2020 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)

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/ /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.

To

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NGO-B Colony, Perumalpuram Post,
Tirunelveli-627 007.
2. The Enforcement Officer,
Employees' Provident Fund Organization,
(Ministry of Labour and Employment,
Government of India),
Regional Office, NGO-B Colony, Tirunelveli-627 007.
3. The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organization,
(Ministry of Labour and Employment,
Government of India), Regional Office,
NGO-B Colony,
Tirunelveli-627 007.
4. The Commissioner,
Ambasamudram Municipality,
Ambasamudram-627 425, Tirunelveli District.

+1 CC to M/s.M.RAJARAJAN, Advocate (SR-8306[F] dated
02/03/2021)

+1 CC to M/s.K.MURALI SANKAR, Advocate (SR-8623[F] dated
04/03/2021)

W.P. (MD) No.5426 of 2020
02.03.2021

SSS (CO)

KB(17.03.2021) 3P 7C

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