



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2021

C O R A M

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THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. (MD)No.7739 of 2021

M/s.Vishal Fire Works
Through its Partner P.Arunkumar,
Mattamalai Village,
Sattur Taluk,
Virudhunagar District.

... Petitioner

Vs.

1.The Regional Provident Fund Commissioner,
Employees Provident Fund Organisation,
Regional Office, Bhavishya Nidhi Bhavan,
Lady Doak College Road,
Madurai.

2.The Recovery Officer,
Employees Provident Fund Organisation,
Regional Office, Lady Doak College Road,
Chokkikulam,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus directing the first respondent to permit the Petitioner to pay the interest amount in ten equal installments in the second respondent's proceedings No.TN/RO/MDU/57108/M-12/PDC SPL/7Q/2019 dated 28.11.2019 for Rs.21,148/- and No.TN/RO/MDU/57108/M-12/PDC SPL/7Q/2020 dated 24.01.2020 for Rs.3,70,082/- based on petitioner's representation dated 09.03.2021.

For Petitioner	:	Ms.A.Banumathy
For Respondents	:	Mr.A.John Xavier Standing Counsel

ORDER

Heard Ms.A.Banumathy, Learned Counsel for the Petitioner,
Mr.A.John Xavier, Learned Standing Counsel for the Respondents and
<https://hcservices.ecourts.gov.in/hcservices/>



perused the materials placed on record, apart from the pleadings of the parties.

2. This Writ Petition has been filed for directing the First Respondent to permit the Petitioner to pay the interest amount in ten equal installments claimed in the Second Respondent's proceedings No.TN/RO/ MDU/57108/M-12/PDC SPL/7Q/2019 dated 28.11.2019 for Rs.21,148/- and No.TN/RO/ MDU/57108/M-12/PDC SPL/7Q/2020 dated 24.01.2020 for Rs.3,70,082/- based on its representation dated 09.03.2021.

3. In response to the query made, Learned Standing Counsel appearing for the Respondent has produced the Circular No. RRC/28 (23)06/BIFR/23781 dated 11.02.2014 and the Circular No. RRC/28(23) 06/BIFR/3345 dated 12.05.2014 issued by the Central Provident Fund Commissioner, containing the instructions approved by the Central Board of Trustees of the Employees Provident Fund Organisation in their earlier meetings to permit the arrears of provident fund dues accumulated to be remitted in monthly installments.

4.Learned Counsel for the Petitioner states that the Petitioner has submitted a representation dated 09.03.2021 for availing the said benefit of remitting the arrears of provident fund accumulated in 10 equated monthly installments, which has been received by the Respondent.

5.Having due regard to the aforesaid submissions made, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, requires the Competent Authority to duly consider the aforesaid representation dated 09.03.2021 made by the Petitioner for permitting payment of the accumulated arrears in installments with reference to the parameters stipulated in the aforesaid circulars, and pass reasoned orders on merits and in accordance with law and communicate the decision taken to the Petitioner under written acknowledgment. Before carrying out that exercise, if the Competent Authority is of the view that the Petitioner has not satisfied the prescribed requirements or eligibility criteria for that benefit, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 10 working days that may be granted for that purpose. In the event that the Competent Authority is of the opinion that the Petitioner has not satisfied the same even thereafter, an enquiry shall be conducted affording an opportunity of personal hearing to the Petitioner to explain its position regarding such compliance. It is made clear that resort to coercive measures for recovery against the Petitioner shall be deferred till the representation is disposed in the aforesaid manner.



In fine, the Writ Petition is disposed on the aforesaid terms. No costs.

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// True Copy //

Sd/-

Assistant Registrar (AE)

/ /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.

SRM

To

- 1.The Regional Provident Fund Commissioner,
Employees Provident Fund Organisation,
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- 2.The Recovery Officer,
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