



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.14447 of 2019

and

W.M.P (MD) No.10885 of 2019

WEB COPY

M/s.Sadasivam Kathirkamavalli,
Polytechnic College,
Thanjavur Main Road,
27, Serumangalam-I,
Mannargudi-614 014,
Thiruvarur District,
Rep by its Correspondent,
G.Sadasivam

...Petitioner

Vs.

1.The Assistant Regional Provident Fund Commissioner/
Authorised Officer,
Employees Provident Fund Organisation,
No.18, Shree Complex,
Madurai Road, Trichy-08.

2.The Recovery Officer,
Sub Regional Office,
Employee Provident Fund Organisation,
No.18, Shree Complex,
Madurai Road,
Trichy-08.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the first respondent in vide proceedings RRC No.CBTRY15155/0081631 / 06/05/2019/534/35 dated 06.05.2019 and quash the same and consequently, direct the respondents not to take hasty steps for recovery in alleged damages and interest of Employee Provident Fund dues from the petitioner's college.

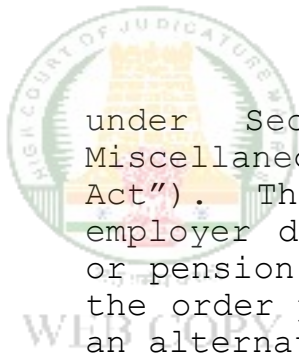
For Petitioner : Ms.V.Muthukamatchi

For Respondents : Mr.G.Dharmaraja

O R D E R

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2.The petitioner herein has challenged the order passed



under Section 14(B) of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 (hereinafter referred to as "the Act"). The impugned order is a consequential order passed when the employer defaults in making the contribution of the provident fund or pension fund or insurance fund, as the case may be. As against the order passed under Section 14(B) of the Act, the petitioner has an alternate remedy of appeal before the Tribunal under Section 7(I) of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952.

3.The grounds raised in the present writ petition touches upon the factual aspects and this Court may not be justified in adjudicating such factual aspects, when the petitioner requires to file a statutory appeal. Nevertheless, if the petitioner is granted liberty to file an appeal by extending the limitation period, the ends of justice could be secured. As such, no interference is required to the present impugned order passed under Section 14(B) of the Act.

4.In the light of the above observations, the petitioner is granted liberty to file an appeal before the concerned Tribunal within a period of thirty days from the date of receipt of a copy of this order.

5.With the above liberty, this Writ Petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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.

+1 CC to M/s.V.MUTHUKAMATCHI, Advocate (SR-11486[F] dated 16/03/2021)

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