



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 16127 of 2019

and

W.P. (MD) No. 4099 and 4114 of 2020

and

W.M.P. (MD) Nos. 12817, 12819 and 12820 of 2019

and

W.M.P. (MD) Nos. 3463, 3465, 3466 and 3477 to 3479 of 2020

Pattukottai Municipality,
Through its Commissioner,
Pattukottai,
Thanjavur District.

... Petitioner in all W.P.s

-vs-

1. The Secretary,
Ministry of Labour and Employment,
Government of India,
New Delhi.
2. The Central Provident Fund Commissioner,
Employees' Provident Fund Organization,
Bhavishya Nadhi Bhawan,
14, Bhikaji Cama Place,
New Delhi - 110 066.
3. The Assistant Provident Fund Commissioner (Compliance),
Employees' Provident Fund Organization,
Sub Regional Office,
SREE Complex, D Block,
No. 18, Madurai Road,
Trichy - 620 008.
4. The Enforcement Officer,
Employees' Provident Fund Organization,
Thanjavur I & II Divisions,
1. Pakkirisamy Pillai Street,
Easwari Nagar, Medical College Road,
Thanjavur - 613 004.

... First to Fourth Respondents in all W.P.s

5. The Branch Manager,



Pattukottai Branch,
Pattukottai,
Thanjavur District

... Fifth Respondent
in W.P. (MD) No.16127 of 2019

6. The Branch Manager,
Union Bank of India,
Pattukottai Branch,
Pattukottai,
Thanjavur District.

... Fifth Respondent
in W.P. (MD) No. 4099 of 2020

7. The Branch Manager,
Canara Bank,
Pattukottai Branch,
Pattukottai,
Thanjavur District.

... Fifth Respondent
in W.P. (MD) No. 4114 of 2020

Common Prayer in W.P. No. 16127 of 2019 and W.P. No. 4114 of 2020:-
Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned attachment order in No. Recy/CB/TRY/81725/8F/TAN/2019 dated 11.06.2019 issued by the Third Respondent to the Fifth Respondent and quash the same as illegal, devoid of merits and unlawful.

Prayer in W.P. No. 4099 of 2020:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned attachment order in No. Recy/CB/TRY/ 81725/8F/TAN/2019 dated 22.07.2019 issued by the Third Respondent to the Fifth Respondent and quash the same as illegal, devoid of merits and unlawful.

Prayer in WP(MD). 4114/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to call for the records of the impugned attachment order in No.Recy / CB / TRY / 81725 / 8F / TAN / 2019 dated 11/06/2019 issued by the 3rd respondent to the 5th respondent and quash the same as illegal, devoid of merits and unlawful

For Petitioner	:	Mr. M.Kannan (in all W.P.s)
For Respondents	:	Mr. B.Rajesh Saravanan Central Government Standing Counsel (for R1 & R5 in W.P. No. 16127 of 2019) Mr. Jeyasingh, Senior Panel Counsel (for R1 in W.P. No. 4099 of 2020) Mr. M.Ashok Kumar, Central Government Standing Counsel



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W.P. (MD) No. 16127 of 2019 etc., batch

(for R1 in W.P. No. 4114 of 2020)
Mr. G.Dharmaraja,
Standing Counsel
(for R2 to R4 in all W.P.s)
Mr. C.Karthick, Standing Counsel
(for R5 in W.P. Nos. 4099 and 4114 of 2020)

C O M M O N O R D E R
(through video conference)

Heard Mr. M.Kannan, Learned Counsel for the Petitioner in all Writ Petitions, Mr. B.Rajesh Saravanan, Learned Central Government Standing Counsel appearing for the First and Fifth Respondents in W.P. (MD) No. 16127 of 2019, Mr. Jeyasingh, Learned Senior Panel Counsel appearing for the First Respondent in W.P. (MD) No. 4099 of 2020, Mr. M.Ashok Kumar, Learned Central Government Standing Counsel appearing for the First Respondent in W.P. (MD) No. 4114 of 2020, Mr. G.Dharmaraja, Learned Standing Counsel appearing for the Second to Fourth Respondents in all Writ Petitions and Mr. C.Karthick, Learned Standing Counsel appearing for the Fifth Respondents in W.P. (MD) Nos. 4099 and 4114 of 2020 and perused the materials placed on record, apart from the pleadings of the parties.

2. These Writ Petitions challenge the orders No. Recy/CB/TRY/81725/8F/ TAN/2019 dated 11.06.2019 and 22.07.2019 passed by the Third Respondent under Section 8-F of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as 'the Act for short), on the ground that they are consequential orders for the recovery of provident fund contribution determined by order No. Enf.D1/TN/TR/81725/SRO-TRY/2016 dated 01.07.2016 passed by the Third Respondent under Section 7-A of the Act, which has been challenged in another Writ Petition in W.P. (MD) No. 19748 of 2016 before this Court. This Court by a separate order passed today (28.07.2021) in that Writ Petition has set aside the Order No. Enf.D1/TN/TR/ 81725/SRO-TRY/2016 dated 01.07.2016 and remanded the matter to the concerned authorities for fresh determination of the provident fund dues under Section 7-A of the Act. Inasmuch as that parental order dated 01.07.2016 has been set aside, the impugned orders in these Writ Petitioners, which are consequential orders thereto, cannot be sustained and as such, they are also set aside.

3. It is brought to notice that in pursuance of the interim order dated 19.08.2019 in W.P. (MD) No. 16127 of 2019, the Petitioner has deposited a sum of Rs. 71,64,340/- with the Third Respondent. It is agreed by the Learned Counsel for the Petitioner that the First Respondent may retain the said amount till the completion of enquiry under Section 7-A of the Act and depending upon its outcome, further orders shall be passed by the Third Respondent in respect of that amount.

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



In the result, these Writ Petitions are ordered on the aforesaid terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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

1. The Secretary,
Ministry of Labour and Employment,
Government of India,
New Delhi.
2. The Central Provident Fund Commissioner,
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3. The Assistant Provident Fund Commissioner (Compliance),
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Pattukottai,
Thanjavur District.

Copy to

The Commissioner,
Pattukottai Municipality,
Pattukottai,
Thanjavur District.

+1 CC to M/s.M.KANNAN, Advocate (SR-24332[F] dated 29/07/2021)

W.P. (MD) No. 16127 of 2019 etc. batch
28.07.2021

SRK(CO)
KB(15.09.2021) 5P 10C