



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2021

CORAM:

THE HONOURABLE **MR. JUSTICE M. S. RAMESH**

W.P.(MD)No.19137 of 2020

and

W.M.P(MD) No.16007 of 2020

WEB COPY

DD 588, Palakkanuthu Primary Agricultural
Cooperative Bank,
Rep. through its Secretary
Puduchatram
Dindigul-624 619.

... Petitioner

Vs.

1.The Assistant Provident Fund Commissioner
Employees Provident Fund Organisation,
Regional Office,
Lady Doak College Road,
Chokkikulam,
Madurai-625 002.

2.The Recovery Officer,
Office of the Employees Provident Fund Organisation,
No.16A, R.S.Road,
Bava Lodge Building,
Nagal Nagar,
Dindigul-624 003.

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorari, order or direction against the orders of the respondents under Section 14-B of the Act in No.TN/RO/MDU/37974/PDC/SPL/14B/2019 dated 21.05.2019 and the consequent order passed U/s.7-Q of the EPF Act in No.TN/RO/MDU/37974/SPL/PDC/7Q/2019 dated 21.05.2019 and the Jupti notice dated 23.11.2020 issued by the second respondent in the nature of writ calling for the records on the file of the respondent and quash the same.

For Petitioner : Mr.V.O.S.Kalaiselvan
For Respondents : No appearance

O R D E R

This Writ Petition has been filed to quash the impugned orders of the respondents under Section 14-B of the Act in No.TN/RO/MDU/37974/PDC/SPL/14B/2019 dated 21.05.2019 and the consequent order passed Under Section 7-Q of the EPF Act in No.TN/RO/MDU/37974/SPL/PDC/7Q/2019 dated 21.05.2019 and the Jupti notice dated 23.11.2020 issued by the second respondent.



2.The learned counsel for the petitioner submitted that pending the writ petition, pursuant to the impugned order, the respondent has initiated steps for recovery and realize the claim also. It is also the submission of the learned counsel for the petitioner that owing to the pandemic situation, they were unable to challenge the order before the Appellate Tribunal in time. Therefore, he makes an earnest request to give him liberty to file an appeal, though the appeal time had lapsed .

3.Taking into consideration the pandemic situation, this Court intends to take a lenient view to grant the petitioner to file an appeal against the present impugned order.

4.In the light of the above observations, the Writ Petition stands disposed of with liberty to the petitioner to file an appeal before the Employees Provident Fund Appellate Tribunal within a period of 60 days from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (ADII)

// 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.

+1 CC to M/s.V.O.S.KALAI SELVAM, Advocate (SR-193[F]
dated 06/01/2021)

W.P. (MD)No.19137 of 2020
05.01.2021

MA (CO)
KB (01.02.2021) 2P 2C