



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.19638 of 2020

A2911 Manthikulam Primary Agricultural
Cooperative Bank now called as A2911 Mathikulam
Primary Agricultural Coop Credit Society
Rep. by its Secretary, Manthikulam,
Madurai-14.

...Petitioner

Vs

The Asst P.F Commissioner/The Recovery Officer,
Employees Provident Fund Organization,
Regional Office,
Lady Doak College Road,
Madurai.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent and permit the petitioner to pay the 7(q) order amount of Rs.4,53,066/- with 40 equal installment basis based on petitioner's representation dated 25.11.2020.

For Petitioner : Mr.R.Saravanan

For Respondent : Mr.K.Murali Sankar

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.In view of the belated remittance of the EPF contributions, the respondent had imposed damages to the tune of Rs.4,29,437/- and had also initiated action to recover the interest amount of Rs.4,53,066/-under Section 14(b) and 7(q) of EPF Act.

3.The learned counsel for the petitioner made blemish and sympathetic plea that they are willing to pay the damages and interest of Rs.4,53,066/-, but in view of the financial constrains, which the bank is facing, they may be permitted to remit the same in 40 equal installments.

4.The learned Standing Counsel appearing for the respondent submitted that the dues are pertaining to the year from 2004 to 2019 and therefore, 40 equal installments sought for is unreasonable.

5.This Court is of the view that since the dues pertain to the year 2004 to 2019, the request of the petitioner to pay the amount



40 equal instalment may not be reasonable. However, by taking into consideration of the COVID-19 pandemic situation prevailing in this country, the ends of justice could be secured, if the petitioner is permitted to pay the same in fifteen monthly installments.

6. Accordingly, the petitioner is granted liberty to pay a sum of Rs.4,53,006/- to the respondent in fifteen equal monthly installments commencing from the month of February 2021 and continue to pay the balance fourteen installments within the first week of every month. It is made clear that in case, the petitioner defaults any of the monthly payment, the respondent will be entitled to recover the entire amount from the petitioner at a lump sum.

6. The Writ Petition stands thus, disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// 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.

To
The Asst P.F Commissioner/The Recovery Officer,
Employees Provident Fund Organization,
Regional Office,
Lady Doak College Road,
Madurai.

+1 CC to M/s.K.MURALI SANKAR, Advocate (SR-1539[F] dated 21/01/2021)

+1 CC to M/s.R.SARAVANAN, Advocate (SR-1540[F] dated 21/01/2021)

Order made in
W.P. (MD) No.19638 of 2020
20.01.2021

(ES) CO
AP (02/02/2021) 2P 4C