



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2021

C O R A M

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THE HONOURABLE MR. JUSTICE P.D.AUDIKESSAVALU

W.P. (MD) No. 383 of 2014

and

M.P. (MD) Nos. 1 and 2 of 2014

A 2731, The National Co.Op Sugar Mills Ltd.,
B.Mettupatty-625 502
Vadipatti Taluk,
Madurai District,
Through its Managing Director

... Petitioner

Vs.

1.The Regional Provident Fund Commissioner II,
Employees' Provident Fund Organization
Lady Doak College Road, Chokkikulam,
Madurai-625 002.

2.The Recovery Officer,
Employees' Provident Fund Organization,
Madurai-625 002.

3.The Branch Manager,
State Bank of India,
West Veli Street Branch
Madurai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records from the file of the 1st and 2nd respondent herein the proceedings bearing in No.TN/MDU/5982/ENF.CIRCLE 11 8F 0308/2014 dated 03.01.2014 issued to the 3rd respondent and to quash the same and also to refund the amount of Rs.1,06,000/- collected from the 3rd respondent Bank where the petitioner maintained their bank account with interest at 18% per annum and with exemplary costs.

For Petitioner

For Respondents

: Mr. P.Chandra Bose

: Mr. K.Muralishankar
for R1 and R2

: Mr. Ananth C.Rajesh
for R3



O R D E R

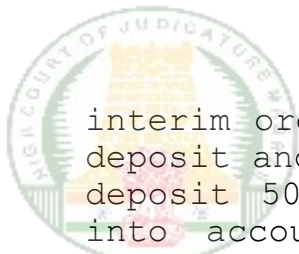
(through video conferencing)

Heard Mr. P.Chandra Bose, Learned Counsel for the Petitioner, Mr. K.Muralisankar, Learned Counsel for the Second Respondent, Mr. Ananth C.Rajesh, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who was aggrieved by Order No.TN/5982/MDU/Enf.C/Circle 11/11048/2013 dated 11.12.2013 passed by the First Respondent under Section 7-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as 'EPF Act' for short) had intended to prefer appeal against that order under Section 7-I of the EPF Act before the Appellate Authority, which was then situate at New Delhi within the prescribed period of limitation of 60 days from its receipt in terms of Rule 7 (2) of the Employees' Provident Fund Appellate Tribunal (Procedure) Rules, 1977. As per Section 7-O of the EPF Act, the Petitioner has to deposit 75% of the amount as determined in the order impugned in that appeal as condition for entertaining the same and the Appellate Authority for reasons to be recorded in writing has discretion to waive or reduce that amount. According to the Petitioner, it was proposed to file such application for waiver and interim stay of the order that was impugned in that appeal till its disposal.

3. The First Respondent, in the interregnum, proceeded to issue Order No.TN/MDU/5982./Enf.C/Circle 11/8F0308/2014 dated 03.01.2014 invoking Section 8-F of the EPF Act attaching the sum of Rs.25,70,750/- in the bank account held by the Petitioner with the Third Respondent towards recovery of Provident Fund dues which had been determined in the earlier order that had been passed. The Third Respondent by letter dated 04.01.2014 informed the Petitioner about the said order of attachment and proceeded to make payment of Rs.1,06,000/- from the account of the Petitioner to the First Respondent and further stated that recovery of balance amount from the future credits into that account would be made. Aggrieved thereby, the Petitioner has filed this Writ Petition challenging the Order No.TN/MDU/5982./Enf.C/Circle 11/8F0308/2014 dated 03.01.2014 issued by the First Respondent and to refund the sum of Rs.1,06,000/- collecting from the bank account of the Petitioner with the Third Respondent with interest at 18% per annum with costs.

4. This Court at the time of admission on 08.01.2014 while directing notice to be issued to the Respondents, had granted an order of interim stay in M.P. (MD)No. 1 of 2014, which continuous to be in force. It is represented that thereafter, the Petitioner has filed appeal under 7-I of the EPF Act before the Appellate Tribunal at New Delhi which was taken on file as ATA No.70(13) of 2014 and an



interim order had been passed in the application for waiver of pre-deposit and stay of the order impugned in the appeal on condition to deposit 50% of that amount, which has since been complied taking into account the sum of Rs.1,06,000/- recovered from the bank account of the Petitioner with the Third Respondent, and the relief as sought in the Writ Petition does not survive for consideration. It has been brought to the notice that the Central Government Industrial Tribunal *cum* Labour Court at Chennai has been notified as the Appellate Authority to hear appeals under Section 7-I of the EPF Act and the appeal filed by the Petitioner has now been transferred to that Tribunal and has been re-registered as E.P.F.A. No.420 of 2017 which is now pending.

5. In view of the aforesaid subsequent events, the Respondents shall await for further orders to be passed in that appeal in E.P.F.A. No.420 of 2017 by the Appellate Authority and shall not take any coercive action against the Petitioner for recovery of any further amount due under Order No.TN/MDU/5982./Enf.C/Circle 11/8F0308/2014 dated 03.01.2014 till orders in that appeal are communicated to the parties. It is made clear that the Appellate Authority is not precluded from passing any order, interim or final, that it may deem fit and proper in accordance with law following the prescribed procedure after hearing concerned parties.

6. In the result, the Writ Petition is disposed with the aforesaid observations. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (P&A)

// 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.

To

1.The Regional Provident Fund Commissioner II,
Employees' Provident Fund Organization
Lady Doak College Road, Chokkikulam,
Madurai-625 002.

2.The Recovery Officer,
Employees' Provident Fund Organization,
Madurai-625 002.

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



3.The Branch Manager,
State Bank of India,
West Veli Street Branch
Madurai.

Copy to

WEB COPY

1.The Presiding Officer,
Central Government Industrial Tribunal-cum-Labour Court,
1st Floor, B-Wing,
26, Haddows Road, Shastri Bhawan,
Chennai - 600 006.

2.A 2731, The National Co.Op Sugar Mills Ltd.,
B.Mettupatty-625 502
Vadipatti Taluk,
Madurai District,
Through its Managing Director

+1 CC to M/s.ANANTH C.RAJESH, Advocate (SR-17205[F] dated
23/04/2021)

+1 CC to M/s.K.MURALI SANKAR, Advocate (SR-17220[F] dated
23/04/2021)

W.P. (MD) No.383 of 2014
and

M.P (MD) Nos.1 and 2 of 2014
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KB(18.06.2021) 4P 8C