



WEB COPY



W.P. No.6838 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.6838 of 2020
and
W.M.P.No.8144 of 2020

Tamil Nadu Minerals Limited

TWAD House,

31, Kamarajar Salai,

Chepauk,

Chennai - 600 005.

Represented by its Managing Director

.. Petitioner

vs.

Regional Provident Fund Commissioner - 1,

37, Royapettah High Road,

Chennai - 600 014.

.. Respondent

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to two orders No.TN/CHN-1/CC- II(PDC)/TN/12173/D-526/2019, dated 16.12.2019 passed by the respondent, pertaining to damages and interest and to quash the same and issue directions to the respondent to rectify the errors apparent on the face of record, re-calculate the dues and restrain from initiating recovery proceedings

For Petitioner : Ms.A.Shrijayanthi
For Respondent : Mr.T.R.Sundaram



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ORDER

The petitioner has challenged the impugned order dated 16.12.2019 passed under the Employees' Provident Funds & Miscellaneous Provisions Act, 1952, wherein the interest and damages amount payable by the petitioner has been determined by the respondent.

2. Till date, counter has not been filed by the respondent. Admittedly, if aggrieved by the impugned order dated 16.12.2019, the petitioner is having the right to prefer a statutory appeal under the Employees' Provident Funds & Miscellaneous Provisions Act, 1952. Instead of exercising the said right, the petitioner has filed this writ petition.

3. The learned counsel for the petitioner would now submit on instructions that the petitioner is willing to file a statutory appeal as against the impugned order dated 16.12.2019 before the Appellate Tribunal as per the provisions of the EPF Act.

4. The learned Standing counsel appearing for the respondent though opposes the request made by the learned counsel for the petitioner, this Court is of the considered view that since the petitioner has filed the writ petition in the year 2020 itself, challenging the impugned order dated 16.12.2019, the petitioner must be permitted to



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file the statutory appeal as per the provisions of the EPF Act.

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5. No prejudice would be caused to the respondents, if such a direction is issued.

6. For the foregoing reasons, this writ petition is disposed of by directing the petitioner to file a statutory appeal before the Appellate Tribunal as per the provisions of the EPF Act as against the impugned order dated 16.12.2019 passed by the respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said statutory appeal filed by the petitioner before the Appellate Tribunal under the provisions of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952, the Appellate Tribunal shall entertain the said appeal and pass final orders on merits and in accordance with law, within a period of twelve weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

20.12.2022

Index: Yes/No

Internet: Yes/No

Speaking Order/Non-Speaking Order

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To :
Regional Provident Fund Commissioner - 1,
37, Royapettah High Road,
Chennai - 600 014.



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ABDUL QUDDHOSE, J.

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