



WEB COPY



W.P.No.11498 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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P.Sivalingam T.M.S. & Co.
Rep. by its Partner / Manager,
P.Sivalingam,
S/o Palani,
Karuppur Via
Thathanjankarpatty Post,
Sengedu, Salem 636 001.

... Petitioner

-Vs-

1. The General Manager,
Management of Tamil Nadu Magnesite Ltd.
No. 5/53, Omalur Main Road,
Jagir Ammapalayam,
Salem 636 001.

2. The Assistant Commissioner,
Employees Provident Fund,
Organization,
S.J.Plaza,
Swarnapuri, Salem.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, directing the 1st respondent to pay a sum of Rs.7,51,310/- within interest at the rate of 24% per annum to the petitioner which was deducted towards provident Fund (E.P.F) from the petitioner for the period 2013-2014 for enabling the petitioner to



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settle the demand of the 2nd respondent as per Letter / Notice in CB/SRO/SLM/CMP/1/70438 /S1/ 8F/ 2017 dated 02.01.2018.

For Petitioner : Mr.V.R.Annagandhi

For Respondents :

For R1 : Mr.M.R.Raghavan

For R2 : No appearance

ORDER

The relief sought for in the present writ petition is to direct the first respondent to pay a sum of Rs.7,51,310/- with interest at the rate of 24% per annum to the petitioner which was deducted towards provident Fund (E.P.F) from the petitioner for the period 2013-2014, enabling the petitioner to settle the demand of the 2nd respondent as per Letter / Notice in CB/SRO/SLM/CMP/1/70438 /S1/ 8F/ 2017 dated 02.01.2018.

2. The grievance of the writ petitioner is that the first respondent is the principal employer. The petitioner being a contractor has to pay the PF contribution as per the provisions of the Act and Rules. Though an order has been passed against a competent authority under the Act, the writ petitioner has failed to pay the contribution.



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3. Under those circumstances, the learned counsel for the petitioner states that the first respondent, being a principal employer, had already paid the contributions to the PF Commissioner and therefore, there are no dues to be paid to the Department.

4. However, the fact remains that the first respondent principal employer has already deposited the contributions as per the provisions of the Act and if any other dispute exists between the writ petitioner and the first respondent, it is to be resolved in the manner known to law.

5. With these directions this writ petition stands disposed of. There shall be no order as to costs.

10.11.2022

Index : Yes
Speaking order
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To

1. The General Manager,
Management of Tamil Nadu Magnesite Ltd.
No. 5/53, Omalur Main Road,
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Salem 636 001.



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S.M.SUBRAMANIAM.J.,

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2. The Assistant Commissioner,
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