



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2022

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.NOS.9098 & 9099 OF 2015

AND

M.P.NOS.1,1 OF 2015

M/s.Randstad India Pvt. Ltd.,
5 & 5 A, New No.9,
Pycroft Garden Road,
Nungambakkam,
Chennai 600 006,
Rep by Legal Head & Regulatory Affairs.

...Petitioner in both W.Ps

Vs

1.The Regional Provident Fund Commissioner-
Employees Provident Fund Organisation,
No.37, Royapettah High Road,
Chennai 600 014.

2.The Enforcement Officer,
Employees Provident Fund Organization,
Royapettah High Road,
Chennai 600 014.

...Respondents in both W.Ps

Prayer in both W.Ps : Petitions filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents not to proceed further based upon the Inspection Reports Ref.No.TN/RO/CHN/35791/EO (D-26)/REGL/2015 dated 18.02.2015 and Ref No.TN/PFI/35791/EO/Div.19/2015 dated 23.03.2015, till such time the pronouncement of the judgment by the Division Bench of this Court in W.A.Nos.982, 985, 1026, 1343 & 1344 of 2011 and Civil Appeal Nos.3965-3966 of 2013 by the Hon'ble Supreme Court/High Court on the issue.

In both W.Ps

For Petitioner : Mr.Sanjay Mohan
for M/s.S.Ramasubramaniam & Associates

For Respondents : Mr.V.Sundareswaran,
Standing Counsel



O R D E R

These writ petitions are filed to issue a writ of Mandamus, directing the respondents not to proceed further based upon the Inspection Reports Ref.No.TN/RO/CHN/35791/EO (D-26)/REGL/2015 dated 18.02.2015 and Ref No.TN/PFI/35791/EO/Div.19/2015 dated 23.03.2015, till such time the pronouncement of the judgment by the Division Bench of this Court in W.A.Nos.982, 985, 1026, 1343 & 1344 of 2011 and Civil Appeal Nos.3965-3966 of 2013 by the Hon'ble Supreme Court/High Court on the issue.

2. When the matter is taken up for hearing, the learned counsel for the respondent Organization would submit that the subject matter of lis before this Court is covered by the decision of the Hon'ble Supreme Court of India reported in AIR 2019 SC 1240.

3. The learned counsel for the petitioner would submit that the writ petition would be disposed of by directing the authority to take action within the frame work of the ruling of the Hon'ble Supreme Court in the above referred decision.

4. In consideration of the submission of the learned counsel for both sides, these writ petitions stand disposed of with a direction to the respondent Organization to proceed with their action against the petitioner Management in terms of the ruling of the Hon'ble Supreme Court as cited supra. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

gsk

To

1.The Regional Provident Fund Commissioner-
Employees Provident Fund Organisation,
No.37, Royapettah High Road,
Chennai 600 014.

2.The Enforcement Officer,
Employees Provident Fund Organization,
Royapettah High Road,
Chennai 600 014.

+1cc to Mr.V.Sundareswaran, Advocate Sr.No.8240

+2ccs to M/s.S.Ramasubramanian, Advocate Sr.No.8301, 8302

W.P.Nos.9098 & 9099 of 2015

M.P.Nos. 1,1 of 2015

SSD(CO)

RVM(22/02/2022)