



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.12389 of 2021

and

W.M.P.Nos.25084 & 25085 of 2021

A.Franklin Raja

... Petitioner

Vs.

1. The Regional PF Commissioner (GR-III),
Sub Regional Office - Ambattur,
Employees' Provident Fund Organization,
R-40A, T.N.H.B.Office Cum Shopping Complex,
Mogappair Road, Mogappair (East),
Chennai - 600 037.
2. M/s.Friends Missionary Prayer Band (FMPB),
Represented by its General Secretary,
Registered Office at, No.29, High School Road, Ambattur,
Chennai - 600 053.
3. The General Secretary,
Friends Missionary Prayer Band (FMPB)
Registered Office at No.29, High School Road, Ambattur,
Chennai - 600 053.

... Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus to direct the first respondent to initiate action against the respondents 2 and 3, on the petitioner's written complaint dated 31.03.2021 and complete the entire process, within a stipulated time as fixed by this Court.

For Petitioner : Mr.Ralph V.Manohard

For R1 : Mrs.Sunita Kumari,
Standing Counsel

For R2 & R3 : M/s.T.Eveden Raisa



O R D E R

The relief sought for in the writ petition is for issuance of Mandamus to direct the first respondent to initiate action against the respondents 2 and 3, on the petitioner's written complaint dated 31.03.2021 and complete the entire process, within a stipulated time as fixed by this Court.

2. Brief facts of the case:

The petitioner was employed as a full-time staff/missionary in the second respondent organization on 11.06.2004 and thereafter, given in-charge of the Audio Section. On 11.12.2019, the third respondent issued a suspension order to the petitioner on frivolous grounds and thereafter, on 30.01.2020, suspension order against the petitioner was revoked, however, on 01.02.2020, the petitioner had given his resignation from the organization as demanded by the respondents 2 & 3 and thereafter approached the first respondent to collect EPF amount and the first respondent has informed to the petitioner that his EPF account did not have any balance in it and that the institution has not made any contributions in his EPF account. Thereafter, on instructions of the first respondent the petitioner has issued legal notice dated 12.03.2021 to the second and third respondents to deposit the EPF contributions in the petitioner's account but no steps have been taken. Again on 31.03.2021, the petitioner had given written complaint to the first respondent to take action against the second and third respondents but the first respondent has not taken any steps and the respondents 2 & 3 remain scot-free inspite of blatantly violating the provisions of the EPF Act and Scheme. Hence, the writ petitioner.

3. The learned counsel appearing for the petitioner would reiterate the above said facts and further, he would rely upon the paragraph Nos.11 & 12 of the counter affidavit filed by the respondents, wherein, it is stated as follows:

"11. In response to para 15, it is humbly submitted that the inquiry under Section 14B/7Q is initiated against the second respondent for belated remittances of EPF statutory dues.

12. In response to para 16, it is humbly submitted that based on the written complaint dated 31.03.2021 made by the petitioner a letter was issued to the second respondent/Establishment to cause remittance immediately and the petitioner's complaint was forwarded to Enforcement Officer for further necessary action. It is further submitted that the Enforcement Officer vide Report dated 07.09.2021 submitted the remitted challans in the name of the petitioner.



In the light of the aforesaid submissions made in the counter affidavit filed by the respondents, the learned counsel for the petitioner seeks to disposal of the writ petition.

4.The learned counsel appearing for the first respondent has submitted the counter filed by the first respondent and stated that as per the complaint of the petitioner enquiry proceedings have been initiated against the second respondent for belated remittances of EPF statutory dues and that the Enforcement Officer vide Report dated 07.09.2021 submitted the remitted challans in the name of the petitioner.

5.Heard the learned counsel on either side and perused the materials placed on record.

6.Recording the submission made by the learned counsel for the petitioner that he relying upon the counter affidavit filed by the respondent, this Court is inclined to dispose of this writ petition, however a liberty is given to the petitioner that with regard to withdrawal of the amount is concerned, the petitioner can approach the authority concerned seeking for such remedy.

7.With the aforesaid liberty, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Regional PF Commissioner (GR-III),
Sub Regional Office - Ambattur,
Employees' Provident Fund Organization,
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2. The General Secretary,
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3. The General Secretary,
Friends Missionary Prayer Band (FMPB)
Registered Office at
No.29, High School Road, Ambattur,
Chennai - 600 053.

+1cc to Mrs.Sunita Kumari,, Advocate, S.R.No.28941
+2ccs to M/s.A.M.Packiananthan Easter, Advocate, S.R.No.29474
+2ccs to Mr.Ralph V.Manohard, Advocate, S.R.No.28990

W.P.No.12389 of 2021

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NSK/30/05/2022