



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 1476 of 2017
and
W.M.P. No. 1389 of 2017

R.Manjunath

...Petitioner

-vs-

Recovery Officer,
Employees Provident Fund Organization,
S1, TNHB, PHASE-III,
Sathuvachari,
Vellore - 632 009,
Tamil Nadu.

...Respondent

Prayers:- Petition filed under Article 226 of the Constitution of India praying to issue Writs of Certiorarified Mandamus, to call for the records relating to notice bearing No.TB/VL/74384/Recovery/2016 dated 12.09.2016 quash the notice issued by the Respondent and forbear the Respondent from further proceeding pursuant to the order bearing No.TB/VL/74384/Recovery/2016 dated 12.09.2016 issued by the Respondent pending disposal of the Writ Petition.

For Petitioner : Mr. C.Manohar Gupta
for M/s.Gupta and Ravi
For Respondent : Mrs. V.J.Latha,
Standing Counsel

O R D E R

Heard Mr. C.Manohar Gupta, Learned Counsel for the Petitioner and Mrs. V.J.Latha, Learned Standing Counsel appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner in this Writ Petition is that the Respondent by Order No. TB/VL/74834/Recovery/2016 dated 12.09.2016 has sought for recovery of provident fund dues by arrest of the Petitioner and committing him to prison without serving any order under Section 7-A of the Employees' Provident Funds and Miscellaneous



Provisions Act, 1952 (hereinafter referred to as 'the Act' for short) determining the liability in that regard.

3. Learned Counsel for the Respondent, on instructions, states that the order determining the liability of provident fund dues under Section 7-A of the Act had been sent to the Petitioner by speed post on 31.01.2014, but as proof for the same was not traceable, it was re-sent on 27.12.2021 and returned with postal endorsement 'addressee moved' and thereafter, it has been served in person on 12.02.2022 at the residence of the Petitioner, acknowledgment for which has been placed on record.

4. In that backdrop, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to prefer appeal before the Appellate Authority under Section 7-I of the Act against the said order determining the liability under Section 7-A of the Act and he has also made an endorsement to that effect in the court record. It is made clear that that the date of actual receipt of the order determining the liability under Section 7-A of the Act shall be reckoned for computation of limitation in preferring such appeal as held by this Court in Equitas Small Finance Banking Limited -vs- Regional Provident fund Commissioner - II, Chennai (Order dated 07.08.2020 in W.P. No. 12271 of 2019).

In fine, the Writ Petition is dismissed as withdrawn granting such liberty. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kv

To

The Recovery Officer,
Employees Provident Fund Organization,
S1, TNHB, PHASE-III,
Sathuvachari,
Vellore - 632 009,
Tamil Nadu.

+1cc to Mr.V.J.Latha, Advocate, S.R.No.12515

+1cc to Mr.Gupta & Ravi, Advocate, S.R.No.12569

W.P. No. 1476 of 2017

PMK(CO)

KKV/15/06/2022