



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2022

CORAM

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

W.P. No. 14767 of 2017
and
W.M.P. No. 16011 of 2017

M/s. Sai Supreme Textiles Pvt. Ltd.,
Sai Ramanath House,
RS No. 15/13, 15/15, Vazhuhavoor Road,
Kurumbapet,
Puducherry - 605 009.
Rep. by its Authorised Signatory.

... Petitioner

-vs-

The Regional Provident Fund Commissioner,
Employees Provident Fund Organisation,
Sub-Regional Office,
No. 101, 100 Ft. Road, Sree Venni Commercial Complex,
Chollan Nagar,
Olandaikeerapalayam,
Puducherry - 605 004.

... Respondent

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, forbearing the Respondent from further proceeding pursuant to the order bearing Ref. No. PDC/PC/1550/ Regl/2017 (Damages) dated 19.05.2017 passed against the Petitioner till the Central Government Industrial Tribunal is empowered to try Provident Fund cases in terms of the notification dated 26.05.2017.

For Petitioner : Mr. Manohar Gupta
for M/s. Gupta and Ravi

For Respondent : Mrs. V.J.Latha, Standing Counsel

O R D E R

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



2. The Respondent by Order No. PDC/PC/1550/Regl/2017 (Damages) dated 19.05.2017 had levied damages on the Petitioner for delayed remittance of provident fund dues under Section 14-B of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (hereinafter referred to as 'the Act' for short). The Petitioner was entitled to prefer appeal against that order under Section 7-I of the Act within a period of 60 days from the date of its receipt in terms of Rule 7(2) of the Employees' Provident Fund Appellate Tribunal (Procedure) Rules, 1997, before the Appellate Authority, who has been empowered to condone delay in filing such appeal for an extended period of 60 days, if sufficient cause for not preferring appeal within that period is made out. Though the Petitioner had preferred an appeal in E.P.F.A. No. 544 of 2017 against that order before the Appellate Authority, viz., Central Government Industrial Tribunal, Chennai (hereinafter referred to as the 'Tribunal' for short) under Section 7-I of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as the 'Act' for short), the Respondent was taking further action for recovery of the dues. According to the Petitioner, as the Tribunal was not functional at that relevant point of time, the Petitioner could not obtain any interim order and this Writ Petition was filed to restrain the Respondent from taking further action till the matter is taken by the Tribunal. This Court at the time of admission on 14.06.2017 stayed the impugned order, which continues to be in force.

3. It has been brought to notice that interim order has been passed in E.P.F.A. No. 544 of 2017 by the Tribunal and the condition imposed for it has also been complied. Nothing remains to be further decided in this Writ Petition.

4. It shall be incumbent upon the Respondent to await the outcome of the appeal in E.P.F.A. No. 544 of 2017 before the Tribunal, which shall afford full opportunity of hearing to all parties concerned following the prescribed procedure in consonance with the principles of natural justice and pass reasoned orders dealing with each of the contentions raised by the parties on merits in accordance with law.

In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS-CCC)

//True copy//

Sub Assistant Registrar



vjt

To

Regional Provident Fund Commissioner,
Employees Provident Fund Organisation,
Sub-Regional Office,
No. 101, 100 Ft. Road, Sree Venni Commercial Complex,
Chollan Nagar,
Olandaikeerapalayam,
Puducherry - 605 004.

Copy to

1. The Presiding Officer
Central Government Industrial Tribunal-cum-Labour Court,
'B' Wing, 1st Floor Shastri Bhawn,
26, Haddows Road, Chennai - 600 006.
2. M/s. Sai Supreme Textiles Pvt. Ltd.,
Sai Ramanath House,
RS No. 15/13, 15/15, Vazhuhavoor Road,
Kurumbapet,
Puducherry - 605 009.
Rep. by its Authorised Signatory.

+1cc to Mrs.V.J.Latha, Advocate SR.No.7968

+1cc to M/s. Gupta and Ravi, Advocate SR.No.7893

W.P. No. 14767 of 2017

AD(CO)
GMY(11/03/2022)