



W.P.(MD)No.10037 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 10.10.2022
CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.10037 of 2012

and

M.P(MD).No.1 of 2012

Assistant Provident Fund Commissioner,
Sun-Regional Office,
Bhavishanidi Bhavan,
NGO 'B' Colony,
Tirunelveli-627 007.

... Petitioner

Vs.

1. The Presiding Officer,
The Employees' Provident Funds,
Appellate Tribunal,
New Delhi.
- 2.The S.M.T.M. Trade Centre,
Kalyani Towers,
(Opposite Bus Stand) Surandai,
Tirunelveli-627 859.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned order dated 08.02.2012 in ATA No.678(13) 2010 passed by the 1st respondent and quash the same and direct the 2nd respondent to pay the sum of Rs. 4,58,832/- as per the order No.TN/TNY/75723/Enf I/Circle 12/12058/2010 dated



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02.09.2010.

For Petitioner : Mr.K.Muralisankar
For Respondents : Tribunal for R1
No appearance for R2

ORDER

This writ petition is filed challenging the order passed by the Tribunal dated 08.02.2012.

2. According to the 2nd respondent, the Provident Fund Organisation had passed the order under Section 7A of the Act, without granting any opportunity to the 2nd respondent. Challenging the ex-parte order, the 2nd respondent has filed a petition before the Tribunal. The Tribunal has directed the Provident Fund Organisation to conduct fresh enquiry after giving opportunity to the 2nd respondent. The Tribunal has also directed the Provident Fund Organisation to identify the workers and thereafter, pass an order.

3. Today, when the matter was taken up for hearing, the Registry has circulated a letter stating that the second respondent shop is closed. There is no



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appearance on behalf of the second respondent. Learned counsel for the petitioner submits that the shop is closed. Hence, according to the Act, the Provident Fund Organisation shall proceed against the owner of the shop.

4. Therefore, this Court directs the Provident Fund Organisation to issue notice to the owner of the shop and conduct fresh enquiry in accordance to law. With this direction, the order passed by the first respondent/Tribunal is confirmed and the writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is also closed.

10.10.2022

Index : Yes / No

Internet : Yes

sbn

To

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S.SRIMATHY, J

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Order made in
W.P.(MD)No.10037 of 2012

10.10.2022