



W.P(MD)No.12248 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD).No.12248 of 2011

and

M.P(MD).No.1 of 2011

The Secretary,
Mannar Thirumalai Naicker College,
Pasumalai, Madurai 625 004.

: Petitioner

Vs

1. The Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
Sub-Regional Office,
Lady Doak College Road,
Chockikulam, Madurai-2

2. Employees Provident Fund Appellate Tribunal,
(Ministry of Labour & Employment)
Scope Minor, Core-II, 4th Floor,
Laxmi Nagar District Centre,
Laxmi Nagar, New Delhi-110 092

: Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, calling for the



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records of the second respondent relating to ATA No.687/13/2008, quash the order of the second respondent dated 27-12-2010, dismissing the appeal filed by the Petitioner and the order of the first respondent passed in No.TN/RO/MDU/57806/ENF/Circle-2/12057/2007, dated 15-11-2007 assessing the contribution for the period July '01 to August '06 at Rupees 18,02,136-70 under Section 7-A of the Employees' Provident Fund and Miscellaneous Provisions Act and direct the first respondent to refund the amount of Rupees 18,02,136-70 remitted by the petitioner College in furtherance to the order of the first respondent dated 15-11-2007 supra.

For Petitioner : Mr.S.Seenivasagam

For R1 : Mr.S.Anwarsameem

For R2 : Tribunal

ORDER

This writ petition had been filed for writ of Certiorarified Mandamus to quash the order of the second respondent dated 27-12-2010 and the order of the first respondent passed in No.TN/RO/MDU/57806/ENF/Circle-2/12057/2007 dated 15-11-2007 and direct the first respondent to refund the amount of Rupees 18,02,136-70 remitted by the petitioner College



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in furtherance to the order of the first respondent dated 15-11-2007.

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2.The main contention of the petitioner is that the petitioner's college is a self finance college, which was started in the year 1972. The petitioner is paying EPF contribution from June 2006. The claim of the petitioner is that the petitioner's college is not covered until 2006 for various reasons. The said reasons are not considered by the first respondent as well as the Tribunal.

3. The contention of the first respondent is that the petitioner college did not produce any relevant records in spite of several opportunities.

4. The learned Counsel appearing for the first respondent submitted that the petitioner has already deposited entire amount before the authority.

5. In view of the above, this Court without expressing any opinion, directs the first respondent to consider and pass a speaking order by addressing the issues that are raised by the petitioner. The petitioner is directed to co-operate with the enquiry by producing all relevant records and shall canvas the grounds that have been raised before the authority. The said



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exercised shall be completed within a period of two months, from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes/ No

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To

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S.SRIMATHY, J.

lr

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