



W.P.(MD)No.1239 of 2013

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2022

CORAM

THE HON'BLE MR.JUSTICE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.1239 of 2013

and

M.P.(MD)Nos.1 & 2 of 2013

Tuticorin Thermal Power Station,
(A unit of TNEB),
Tuticorin,
represented by its Chief Engineer.

... Petitioner

Vs.

1. The Assistant Provident Fund Commissioner,
EPFO/Sub Regional Office,
Bhavishya Nidi Bhavan,
NGO 'B' Colony,
Perumalpuram Post,
Tirunelveli – 627 007.

2. The Enforcement Officer,
Employees Provident Fund Organization,
District Office, Tuticorin,
No.5, NPS Complex,
2nd Floor, Polpettai,
Tuticorin – 628 002.

... Respondents



W.P.(MD)No.1239 of 2013

WEB COPY

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned direction issued by the first respondent through his proceedings NO. TN/TNY/TTPS/CD-II(22)/2013, dated 08.01.2013 and quash the same and pass such further or other orders.

For Petitioner : M/S.P.Malini
for M/S.T.S.Gopalan & Co

For Respondents : Mr.R.Murali Shankar

ORDER

This Writ Petition is filed for issuance of Writ of Certiorari, to quash the impugned direction issued by the first respondent through his proceedings, dated 08.01.2013.

2. In the impugned proceedings, the Assistant Provident Fund Commissioner has directed the Enforcement Officer to register a complaint against the writ petitioner, namely, Tuticorin Thermal Power



W.P.(MD)No.1239 of 2013

Station, before the competent authority under Section 110 of Cr.P.C. and to submit the report on or before 18.01.2013.

3. The allegation against the petitioner is that the petitioner, Tuticorin Thermal Power Station has not remitted the contribution for more than 140 contract employees. When the writ petition was filed, this Court has granted an Interim Order, vide order, dated 23.01.2013.

4. When the matter was taken up for final hearing, the Learned Counsels for the petitioner as well as the respondents submitted that subsequently the writ petitioner has remitted the contribution for more than 100 employees and completed the contribution for all the employees. Now the writ petitioner has almost complied by remitting the substantial amount.

5. The impugned order has directed to prefer a complaint to initiate the criminal proceedings, but as on date the criminal proceeding was not initiated because of the interim stay order granted by this Court.



W.P.(MD)No.1239 of 2013

Moreover the Learned Counsels submitted that the substantial contribution amount was remitted and in turn the PF Organization had paid to the employees also. Therefore, this Court is inclined to set aside the impugned order, since the writ petitioner had complied with the statutory obligation. Hence, the impugned order is quashed.

6. With the above said direction, this Writ Petition is allowed.

No costs. Consequently, connected miscellaneous petitions are closed.

15.09.2022

Index : Yes / No
Internet : Yes / No
jbr

To

1. The Assistant Provident Fund Commissioner,
EPFO/Sub Regional Office,
Bhavishya Nidi Bhavan,
NGO 'B' Colony,
Perumalpuram Post,
Tirunelveli – 627 007.

2. The Enforcement Officer,

4/6



W.P.(MD)No.1239 of 2013

Employees Provident Fund Organization,
District Office, Tuticorin,
No.5, NPS Complex,
2nd Floor, Polpettai,
Tuticorin – 628 002.

S.SRIMATHY, J

jbr

Order made in
W.P.(MD)No.1239 of 2013



WEB COPY



W.P.(MD)No.1239 of 2013

15.09.2022