



W.P.(MD).No.16970 of 2012

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.16970 of 2012

and

M.P.(MD).No.2 of 2012

Anandaram Company,
represented by its Partner Mr.Ramasamy,
S/o. Puthiamuthu,
268/4, Rajapalayam Road,
Chatrapatti – 626 102,
Virudhunagar District.

... Petitioner

Vs.

1.The Assistant Provident Fund Officer,
Employees' Provident Fund Organization,
Regional Office,
Bhavishyanidhi Bhavan,
Post Box.No.1, Lady Doak College Road,
Chokkikulam,
Madurai – 625 002.

2.The Squad Enforcement Officer,
District Office,
Employees' Provident Fund Organization,
AKM Complex,
Virudhunagar Road,
Sivakasi.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining and quashing the impugned order passed by the first respondent in reference No.M-11/TN/Coverage/MD/91276/ENF.B/RO/2012 dated 08.06.2012 and consequently direct the first respondent to make an enquiry under Section 7 A of the EPF Act, by giving an opportunity to the petitioner to place necessary documents and explanation and to pass final orders.

For Petitioner : Mr.J.Alaguramjothi

For Respondents : Mr.V.S.Karthi

ORDER

This Writ Petition has been filed challenging the order, dated 08.06.2012 and with a consequential prayer to direct the first respondent to make an enquiry under Section 7-A of the EPF Act.

2. The brief facts of the case are that the petitioner is running a firm in the name and style of Anandaram & Company at Chatrapatti. He has been engaged in the process of purchase, manufacture and sale of handloom



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Surgical Gauge and Bandage Cloth of all varieties, description and qualities.

He has started the above business on 21.09.2010 and was slowly picking up.

The contention of the petitioner is that for the purpose of manufacture and distribution, they have engaged only nine persons in the firm and they are running the business. The impugned order states that a code number has been allotted to the petitioner branch at a specific request. But the said fact is denied by the petitioner stating that the petitioner never requested before the authority to allot any code number. The present order is being issued without inspecting the premises and without any available facts. The respondents have not granted any opportunity to the petitioner to explain his status. The petitioner submitted a representation dated 20.10.2012 and the respondents have not considered the same.

3. The respondents reiterated the same contents as stated in the impugned order. According to the respondents, the petitioner establishment is covered under Section 2 A of the Act, but this aspect is denied by the petitioner.



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4. Hence impugned order is set aside. Since the respondents have not substantiated that the EPF Code was allotted based on the request of the petitioner, the said issue shall also be raised by the petitioner before the authority. The respondents are directed to issue fresh notice and grant adequate opportunity to the petitioner. The petitioner shall submit the records and substantiate they claim including the issue that they have not requested to allot any code number. After enquiry the respondent shall pass a speaking order. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes/ No
jbr



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S.SRIMATHY, J.

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