



W.P.(MD)No.930 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2022

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.930 of 2012

and

M.P.(MD)Nos.1 & 2 of 2012

The District Manager,
TASMAC,
Thondi Road,
Palamalai Nagar,
Sivagangai.

... Petitioner

Vs.

1. The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office,
Lady Doak College Road,
Madurai – 2.

2. The Manager,
State Bank of India,
Sivagangai

... 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 Certiorari, to call for the records relating to the impugned orders passed by the first respondent in No.TN/MD/M4/42988E/RO/MDU/2012, dated 20.01.2012 and No.M8/TN/MDU/TN/42988E/ENF/C/RO/2012, dated 20.01.2012 and quash the same.

For Petitioner : Mr.H.Arumugam

For R1 : Mr.VS.Karthi

For R2 : Mr.N.Murugesan

ORDER

This Writ Petition is filed for Writ of Certiorari, to quash the impugned order, dated 20.01.2012. Through the impugned order, the first respondent is directed to pay the Employees Provident Fund Contribution.

2. The contention of the petitioner is that one Kumaravel who is the Contractor is liable to pay and further submitted that through this



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order, the Employees Provident Fund Organization has directed the Manager of State Bank of India, Sivagangai, to pay Rs.8,77,928/- from the Bank account of TASMAL. Challenging this order, the present writ petition has been filed.

3. According to the petitioner, one Kumaravel is liable to pay and the TASMAL is not liable to pay and the said Kumaravel is well aware that he is liable to pay the amount, since he has filed another writ petition in W.P.(MD)No.4348 of 2011 by impleading the TASMAL as first respondent. The said writ petition was taken up for hearing and the Honourable Court has passed an order dated 25.03.2021 wherein this Court has held as under:

“5. Considering the submissions made by both sides, this Court directs the second respondent to conduct adjudication proceedings and after hearing the petitioner, pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. Thereafter, based on the said adjudication proceedings, the first respondent shall pass appropriate orders, as to releasing the amount due and payable to the petitioner.”



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The EPF Organization was directed to consider and pass orders as early as 2020. Till date the EPF has not taken the case and has not passed any orders. Last occasion, when the matter was listed before this Court, this Court has directed both the EPF organization as well as the TASMAL to issue notice to the concerned Contractor, namely, Kumaravel and pass appropriate orders.

4. Today when the case was taken up for hearing, the TASMAL has submitted that a notice is issued to the said Kumaravel. Hence, this Court deems it fit to pass the following orders:

- (i) The first respondent cannot claim any amount from TASMAL.
- (ii) The first respondent is directed to conduct the adjudication proceedings as directed by this Court in W.P.(MD)No.4348 of 2011.
- (iii) After passing an order, EPF Organization shall collect the amount from the Contractor, Kumaravel.

5. With the above said direction, this Writ Petition is disposed



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of. No costs. Consequently, connected miscellaneous petitions are closed.

11.11.2022

Index : Yes / No
Internet : Yes / No
jbr

To

1. The Assistant Provident Fund Commissioner,
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2. The Manager,
State Bank of India,
Sivagangai



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S.SRIMATHY, J

jbr

Order made in
W.P.(MD)No.930 of 2012

11.11.2022