



W.P.(MD)No.9790 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2022

CORAM

THE HON'BL MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.9790 of 2012

and

W.M.P.(MD)Nos.11608 & 11716 of 2022

Sri Jayendra Swamigal Silver Jubilee
Matriculation Higher Secondary School,
Maharajanagar,
Tirunelveli – 627 011.
represented by its Correspondent
V.Jayendran

... Petitioner

Vs.

1. The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Sub Regional Office,
Bhavishya Nidhi Bhavan,
NGO 'B' Colony, Perumalpuram PO,
Tirunelveli – 627 007.

2. The Recovery Officer,
Employees Provident Fund Organization,
Sub Regional Office,
Bhavishya Nidhi Bhavan,
NGO 'B' Colony, Perumalpuram PO,
Tirunelveli – 627 007.

... 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 of the first respondent made in his proceedings No.TN/TNY/20861/CD-1/T-16/14033/2011, dated 27.07.2011 issued u/s. 7(A) of the EPF Act and the consequential order of the second respondent made in his proceedings No. TN/TNY/20861 (RECY)/CD-1/T-16/2012, dated 01.05.2012 and quash the same and consequently direct the first respondent or any other competent authority to hear the case of the petitioner and pass orders by following the principles of natural justice complying strictly with the directions of the Honourable Division Bench of the Madurai Bench of the Madras High Court made in W.A.(MD) No.622 of 2011 dated 11.08.2011.

For Petitioner : M/S.Profexs Associates

For Respondents : Mr.K.Murali Shankar

ORDER

The learned Counsel appearing for the petitioner submitted that the amount quantified under Section 7A application was paid. The learned Counsel appearing for the respondents submitted that there is



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availability of alternative remedy of filing statutory appeal but the petitioner has filed this writ petition and hence the writ petition is not maintainable. Therefore, this Court is granting liberty to the petitioner to file an appeal before the Tribunal.

2. This petition was pending from the year 2012 onwards and the Tribunal shall condone the delay from the year 2012 until today. The petitioner shall file an appeal within a period of four weeks from the date of receipt of a copy of this order.

3. With the above said observation, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

19.09.2022

Index : Yes / No
Internet : Yes / No
jbr



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S.SRIMATHY, J

jbr

Order made in
W.P.(MD)No.9790 of 2012

19.09.2022