



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A. (MD) No.95 of 2022

and

C.M.P (MD) No.1002 of 2022

S.Royce Emmanuel

... Appellant/Petitioner

vs

1. All India Council for Technical Education,
Southern Regional Office,
Shastri Bhavan,
26, Haddows Road,
Nungambakkam,
Chennai - 600 006.

2. Thiagarajar School of Management,
Pamban Samy Nagar,
Thirupparankundram,
Madurai - 625 005.
Rep. by its Correspondent Thiru. Manikkam

3. The Regional Provident Fund Commissioner,
Employee's Provident Fund Organization,
Regional Office, Lady Doak College Road,
Chokkikulam,
Madurai - 625 002.

... Respondents/
Respondents

Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 21.12.2021, made in W.P.(MD) No.4258 of 2015.

Prayer in WP(MD). 4258 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the 3rd respondents to take action on 2nd respondent for violation of Employees Provident Fund Act and pay the Employees Provident Fund to petitioner .

For Appellant

: Mr.T.Indrachithu



J U D G E M E N T

(Delivered by PARESH UPADHYAY, J.)

Challenge in this appeal is made to the order dated 21 December 2021 recorded on W.P.(MD) No. 4258 of 2005. This petition is by an unsuccessful writ petitioner.

2. Learned advocate for the appellant has submitted that, the grievance voiced by the petitioner against the Management of second respondent Educational Institute pertaining to Provident Fund ought to have been considered by learned Single Judge and dismissal of the petition is erroneous and this appeal be entertained.

3. Having heard learned advocate for the appellant and having considered the material on record this Court finds that, the case of the petitioner/ appellant is also to the effect that, he was in employment with the second respondent Institute between the year 1994 and 2000 and his service had ended on his resignation, which was disputed at the relevant time by the petitioner - which is not the subject-matter of this appeal.

4. The grievance voiced is that, according to the appellant, the Management is not following the provisions of the Provident Fund Act and therefore action needs to be taken against the said institute. It is noted that, the petitioner is not in the employment of the second respondent for about two decades now. The grievance is already examined by learned Single Judge and a categorical finding is recorded that, there is no substance in the allegation of the petitioner against the second respondent. Beyond this, the inquiry should not be conducted. This is not a public interest litigation either.

5. This appeal is is dismissed. No costs. Consequently, connected CMP would not survive.

Sd/-

Assistant Registrar (CS III)

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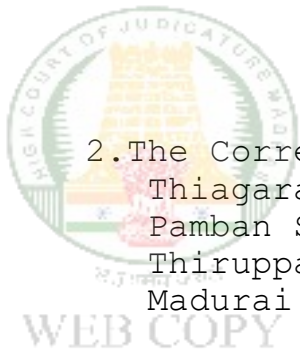
Sub Assistant Registrar(CS)

pm

To

1. All India Council for Technical Education,
Southern Regional Office,
Shastri Bhavan, 26, Haddows Road,
Nungambakkam,

<https://hcservices.cherthala.in/hcservices> 006.



2.The Correspondent Thiru. Manikkam,
Thiagarajar School of Management,
Pamban Samy Nagar,
Thirupparankundram,
Madurai - 625 005.

3.The Regional Provident Fund Commissioner,
Employee's Provident Fund Organization,
Regional Office, Lady Doak College Road,
Chokkikulam,
Madurai - 625 002.

+1 CC to M/s.T.INDRACHITHU, Advocate (SR-5554[F] dated 11/02/2022)
W.A.(MD) No.95 of 2022
11.02.2022

MGJ(22.02.2022) 3P 5C