



WP(MD)No.14517 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.07.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE G. CHANDRASEKHARAN**

W.P.(MD)No.14517 of 2022
and
W.M.P.(MD).No.10374 of 2022

M/s.Ganapathy Industrial Training Institute,
Ganapathy Hotel Management,
Catering Industrial School,
Rep. by its Chairman Cum Secretary,
Mr.G.Jayakumar

... Petitioner

/vs./

1.The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organization,
District Office, A.K.M.Complex,
Old Virudhunagar Road,
Sivakasi 626 189.

2.The Recovery Officer,
Employees' Provident Fund Organization,
No.1, Lady Doak College Road,
Chokkikulam,
Madurai-625 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for
issuance of Writ of Certiorarified Mandamus, calling for the proceedings passed



WP(MD)No.14517 of 2022

WEB COPY

by the first respondent in MD/MDU/DO/SVKS/IB/M05/57901/D.No. 200/2020/2022 dated and quash its order dated 19.04.2022 and consequently direct the respondents to give due opportunity to the petitioner.

For Petitioner : Mr.G.Arunachalam

For Respondents : Mr.A.Jonh Xavier

Standing Counsel

ORDER

This writ petition has been filed to quash the proceedings passed by the first respondent in MD/MDU/DO/SVKS/IB/M05/57901/D.No.200/2020/2022, dated 19.04.2022 and consequently direct the respondents to give due opportunity to the petitioner.

2.The learned standing counsel takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3.It is submitted by the learned counsel appearing for the petitioner that the order was passed without giving proper opportunity to the petitioner.



WP(MD)No.14517 of 2022

WEB COPY

4.Per contra, the learned standing counsel appearing for the respondents submitted that the petitioner was given several opportunities through physical hearing and virtual mode. Despite the same, he has not appeared for enquiry and produced the documents sought for from him. He further submitted that the petitioner was continuously absent for enquiry as well as while passing the order.

5.Considering the rival submission and without going into the merits of rival submission, this Court is of the considered opinion that the petitioner may be given one more opportunity to defend his case by participating in the enquiry subject to payment of costs. Therefore, the proceedings passed by the first respondent in MD/MDU/DO/SVKS/IB/M05/57901/D.No.200/2020/2022, dated 19.04.2022, is set aside with condition that the petitioner shall pay a cost of Rs.5,000/- to the respondent within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the respondent is directed to fix the date for enquiry and intimate the same to the petitioner and complete the enquiry within a period of two months from the date fixed. The petitioner is directed to cooperate for conducting of enquiry and produce necessary documents, which are needed by



WP(MD)No.14517 of 2022

WEB COPY

the respondents and also documents relied on by the petitioner. If the petitioner does not cooperate for enquiry, it is open to the respondents to pass appropriate orders on merits in accordance with law.

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

13.07.2022

Index : Yes / No

Internet : Yes / No

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WP(MD)No.14517 of 2022

G. CHANDRASEKHARAN, J.

vsg

Order made in
W.P.(MD)No.14517 of 2022
and
W.M.P.(MD).No.10374 of 2022

Dated:
13.07.2022