



WP(MD)No.19621 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.08.2022

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.19621 of 2022

and

W.M.P(MD).Nos.14333 and 14334 of 2022

M/s.Karuppasamy Security Services,
rep., by its Partner,
D.Shaju.

... Petitioner

/vs./

1.The Regional Provident Fund Commissioner,
Employees' Provident Fund Organization,
Regional Office, No.1, Lady Doak College Road,
Chokkikulam, Madurai 625 002.

2.The Branch Manager,
Canara Bank, P&T Nagar Road,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records on the file of the first respondent issued to the second respondent in reference No.RO/MD/MDU/58363/Recovery/M-04/8F/2022, dated 11.08.2022 for deducting the amount of Rs.36,95,469/- from petitioner Bank account and quash the same and to issue such other appropriate directions or orders to the first respondent and grant such other remedy and relief to this petitioner.



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For Petitioner : Mr.M.N.Ramkumar
For Respondents : Mr.A.John Xavier (for R1)
Standing Counsel
Mr.C.Karthik (for R2)
Standing Counsel

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2.As against the orders, determining the contribution under Section 7A and 7B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, (hereinafter referred to as “the Act” for brevity), dated 24.11.2020 and 24.05.2022 respectively, the petitioner herein had filed an appeal under Section 7-I of the Act, on 26.06.2022, which is said to be pending in EPFA No.109 of 2022, before the Central Government Industrial Tribunal, Chennai, (hereinafter referred to as 'CGIT'). In the said appeal, the petitioner had also sought for an interim order, seeking for stay of the orders passed by the authorities under Section 7A and 7B of the Act.



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3.The learned counsel for the petitioner submitted that the Presiding Officer of the Appellate CGIT is on medical leave and hence, they are unable to move for a prayer seeking for interim stay. In the meantime, the first respondent herein had passed an order under Section 8F of the Act, for recovery of the amount of contribution determined under Section 7A and 7B of the Act, which order is under challenge in the present writ petition.

4.When the original orders determining the contribution are already under challenge before the CGIT, it would not be appropriate for this Court to parallelly adjudicate on the issue of the interim relief sought for by the petitioner against the order under Section 8F of the Act.

5.Nevertheless, if the CGIT is called upon to dispose of the petitioner's prayer seeking for interim stay of the original proceedings under Section 7A and 7B of the Act, within a time frame and to keep the recovery proceedings under Section 8F of the Act, in abeyance till such time, the ends of justice could be secured.



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6.In the light of the above observations, there shall be a direction to the CGIT, Chennai, to dispose of the interim prayer sought for by the petitioner in his appeal petition in EPFA.No.109 of 2022, within a period of three (3) months from the date of receipt of a copy of this order.

7.Till the disposal of the interim prayer by the CGIT, the first respondent herein shall not take any coercive steps, pursuant to the recovery order passed under Section 8F of the Act, dated 11.08.2022. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

25.08.2022

Index : Yes / No
Internet : Yes / No
Rmk/sm



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- 3.The Central Government Industrial Tribunal,
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M.S.RAMESH, J.

Rmk/sm

Order made in
W.P.(MD) No.19621 of 2022

Dated:
25.08.2022