



W.P.(MD).No.14142 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.14142 of 2014

and

M.P.(MD).No.1 of 2014

M/s.C.S.I.Kanyakumari Diocese,
Represented by its Secretary Dr.M.J.Moses,
71A, Dennis Street,
Nagercoil – 629 001,
Kanyakumari District.

... Petitioner

Vs.

1.The Presiding Officer,
Employees' Provident Fund Appellate Tribunal,
Scope Minar, Core II, 4th Floor,
Laxmi Nagar District Centre,
New Delhi 110 092.

2.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Sub-Regional Office,
66, Water Tank Road,
Nagercoil,
Kanyakumari District – 629 001.

... Respondents

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 on the file of the first respondent in ATA No.579(13) 2013, dated 15.04.2014 and quash the same.



W.P.(MD).No.14142 of 2014

For Petitioner : Mr.M.Azeem

For R-1 : Tribunal

For R-2 : Mr.Mahaboob Athiff

ORDER

This Writ Petition is filed challenging the order dated 15.04.2014 passed by the Tribunal.

2. The contention of the petitioner is that the authorities have directed to contribute EPF even to the employers who were drawing over and above RS. 6500/-, but as per the EPF Act, the employees who were drawing more than Rs. 6,500/- will not come within the purview of EPF Act.

3. However, the writ petitioner has not submitted any materials to substantiate his claim before this Court. Even on perusing the orders passed by the second respondent as well as the first respondent, the orders are bereft of any materials regarding the issue stated above.

4. The Learned Counsel appearing for the second respondent however raised a preliminary objection stating that the petitioner is a Diocese and Religious Institution. Even according to the affidavit averred by the writ



W.P.(MD).No.14142 of 2014

petitioner it is that the “CSI Kanyakumari Diocese is the Social and Religious Organization”. The Social and Religious Organization are not juristic person and hence, the Writ Petition is not maintainable.

5. After hearing the rival submissions, this Court is of the considered opinion as rightly pointed out by the learned counsel appearing for the second respondent, the petitioner is not a juristic person and hence this Writ Petition is not maintainable. Since this writ petition is pending for the past eight years and the poor employees would be the sufferer and jammed between the litigating Diocese and the EPF authorities, this Court is entertaining this writ petition to a limited extent.

6. The writ petitioner submitted before this Court that the second respondent has not taken into consideration the pleas raised by the writ petitioner, that employees who are receiving more than Rs.6500 were included in the EPF contribution and has not granted opportunity to submit his objection, thereby, violating the principles of natural justice. Therefore, the impugned order is set aside. The second respondent is directed to grant all particulars to the petitioner, so that the petitioner would get an opportunity to substantiate his claim. Likewise, the petitioner is also directed to submit the particulars of list of employees and the salary paid to the employees. The petitioner shall be



W.P.(MD).No.14142 of 2014

granted proper opportunity to submit his grounds and thereafter the second respondent shall consider and pass speaking orders. The said exercise shall be completed within a period of eight weeks (8) from the date of receipt of the copy of the order.

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

30.11.2022

Index : Yes / No
Internet : Yes/ No
Nsr

To

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W.P.(MD).No.14142 of 2014

S.SRIMATHY, J.

Nsr

W.P.(MD).No.14142 of 2014

30.11.2022