



W.P(MD)No.21729 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21729 of 2022

and

W.M.P(MD)No.15889 of 2022

M/s. The Tuticorin Spinning Mills Limited,
106, Palayamkottai Road,
Tuticorin – 628 008,
Represented by its
Joint Managing Director.

... Petitioner

Vs

1.The Enforcement Officer,
District Office,
Employees' Provident Fund Organisation,
73H/2D, 2F, N.P.Complex,
60 Feet Road,
Polepettai,
Tuticorin – 628 002.

2.The Regional Provident Fund Officer,
Bhavishya Nidhi Bhavan,
NGO B Colony,
Perumalpuram, Vasantha Nagar,
Tirunelveli,
Tamil Nadu – 627 007.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned proceedings of the first respondent in NO.CBE/RO-TNY/CD II (C-22)/209/DO-TTN/2022 dated 03.08.2022 and quash the same.

For Petitioner : Mr.VR.Shanmuganathan

For Respondents : Mr.Mohammed Athiff

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing counsel appearing for the respondent Employees' Provident Fund Organisation.

2. The case concerns the payment of the provident fund contribution made by a dismissed employee of Tuticorin Spinning Mills Limited. There cannot be any objection for making the aforesaid payment to the said dismissed employee. Taking exception to the conduct of the writ petitioner, the impugned communication has been issued calling upon the petitioner to show cause as to why they should not be prosecuted. Challenging the same, this writ petition has been filed.



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3. I am of the view that the issue can be given a quietus here itself.

Taking a cue from what was suggested by the Court, the learned counsel appearing for the petitioner categorically stated that the petitioner has no objection for payment of contribution made by A.George, the erstwhile employee of the second respondent. This No Objection given by the writ petitioner is placed on record. The reason that led to the filing of this writ petition is that the employer felt that the employee had given a false reason while filling up Form 10-D. I am of the view that whatever reason which the employee may ascribe in Form 10-D is really irrelevant, it is only the employee's perception and nothing more. The petitioner is directed to make his attestation in Form 10-D and hand over the same to the second respondent. If the employer feels that a false Form has been given, he can enclose a covering letter setting forth his reasons.

4. The learned counsel for the petitioner states that within a week, the attested Form 10-D along with the employer's objection letter will be submitted to the second respondent. In view of the said undertaking, the impugned show cause notice is quashed.



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5. This writ petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

14.09.2022

Index : Yes / No
Internet : Yes/ No
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Note: Issue Order Copy on 16.09.2022.

To

1.The Enforcement Officer,
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G.R.SWAMINATHAN, J.

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