



W.P.(MD).No.5218 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.5218 of 2014

and

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

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

... Petitioner

Vs.

1.The Presiding Officer,
Employees Provident Fund Appellate Tribunal,
Scope Minaiar, Core II,
4th Floor, Lakshmi Nagar,
New Delhi – 110 092.

2.M/s.R.V.S.College of Engineering and Technology,
Represented by its Chief Executive Officer,
R.V.S.Road,
Dindigul – 624 005.

... 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 relating to the impugned order vide ATA.No.1009 (13) 2012 dated 23.10.2013 passed by the first respondent and quash the same.



W.P.(MD).No.5218 of 2014

For Petitioner : Mr.A.John Xavier,
Standing Counsel for EPFO.

For R-2 : Mr.P.Muthuvel

ORDER

This Writ Petition is filed challenging the order dated 23.10.2013 passed by the first respondent.

2. The main contention that was raised before this Court is that the second respondent College is covered under EPF and other pension schemes under the petitioner's organization. However, the College has engaged the teaching and non-teaching staffs beyond the period of superannuation. The contention of the petitioner's organization is that the College is not remitting the contribution for the pension scheme to the persons who are engaged beyond the period of superannuation. The second respondent contention is that the petitioner's organization after inspection has passed an order but without furnishing the inspection report. The second respondent further contended that the petitioner has not served any list of persons with regard to non-payment of contribution. Without any materials and without any evidence, the petitioner's organization has passed the order.



W.P.(MD).No.5218 of 2014

3. Therefore, this Court deems it fit to remit back the case to the authorities for denova consideration. Hence, the order passed by the Tribunal is set aside and order passed by the petitioner's organization is also set aside. The petitioner organization is directed to conduct denova enquiry and the petitioner Organization is also directed to furnish the inspection report and other evidence which they relied on, to the second respondent. Such evidence shall be furnished within a period of two (2) weeks from the date of receipt of a copy of this order. Thereafter, the second respondent shall submit written explanation within a period of four (4) weeks therefrom. After the submissions of the written explanation, the petitioner Organization is directed to conduct enquiry by granting personal hearing to the second respondent. After considering the evidence, written explanation and the submissions that would be made before the authorities, the petitioner's organization shall pass speaking order.

4. With the above direction, this Writ Petition is disposed of. Connected miscellaneous petition is closed.

23.11.2022

Index : Yes / No
Internet : Yes/ No
Nsr



WEB COPY



W.P.(MD).No.5218 of 2014

S.SRIMATHY, J.

Nsr

To

- 1.The Presiding Officer,
Employees Provident Fund Appellate Tribunal,
Scope Minaiar, Core II,
4th Floor, Lakshmi Nagar,
New Delhi – 110 092.

- 2.M/s.R.V.S.College of Engineering and Technology,
Represented by its Chief Executive Officer,
R.V.S.Road,
Dindigul – 624 005.

W.P.(MD).No.5218 of 2014

23.11.2022