



W.P(MD)No.27302 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27302 of 2022

and

W.M.P.(MD)No.21417 of 2022

M/s.K.K.P. Construction,
Through his partner
Muneeswaran.

... Petitioner

Vs.

1.The Employees Provident Fund Organization,
Represented through his Assistant Commissioner,
Bhavishya Nidhi Bhavan,
Chokkikulam,
Madurai – 625 002.

2.The Executive Engineer,
TWAD Board,
Planning & Maintenance Division,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from initiating any proceedings for recovery of the arrears amount payable towards PF Contribution from the petitioner as claimed by the 1st respondent and grant sufficient time for the petitioner to make the payment of the arrears amount till the pending dues is disbursed by the 2nd respondent.



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For Petitioner : Mr.R.Aravindan

For Respondents : Mr.V.S.Karthi,
Standing Counsel for R1.

ORDER

Heard the learned counsel for the petitioner and the learned standing counsel for the first respondent.

2.The petitioner is an assessee covered by the provisions of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952. The petitioner suffered an order under Section 7A of the Act. The petitioner wants this Court to restrain the first respondent from enforcing the order till the petitioner is able to get his dues from the second respondent.

3.As rightly pointed out by the learned standing counsel for the first respondent, such prayer cannot be entertained. It is for the petitioner to work out his remedies as against the second respondent. On that score, the first respondent cannot be expected to wait indefinitely. However, one aspect appeals to me. The dues in question pertain to Covid-19 period. The difficulties faced by the business establishments cannot be lost sight off. Even though the amount in question is not high and notwithstanding the strong



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opposition made by the learned standing counsel for the first respondent, I direct the first respondent to recover the petition mentioned arrears from the petitioner in five equal monthly installments. The first equal monthly installment will commence from 20.12.2022. If the petitioner commits defaults in paying two successive equal monthly installments, this order will stand automatically recalled and it will be open to the first respondent to recover the entire dues at one go. If the first respondent had already frozen the petitioner's bank account in the meanwhile, the same shall stand de-frozeed.

4.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

02.12.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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