



W.P(MD)No.27441 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.27441 of 2022

and

W.M.P.(MD)Nos.21541 and 21543 of 2022

T.Ravikumar

... Petitioner

Vs.

1.The Assistant P.F Commissioner/Recovery Officer,
Employee's Provident Fund Organization,
Sub-Regional Office,
65.A, Water Tank Road,
Nagercoil 629 001.

2.The Enforcement Officer,
Employee's Provident Fund Organization,
65.A, Water Tank Road,
Nagercoil 629 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent in Ref.No.MD/NKL/79415/Recy/EPF/CP-25/2022, dated 14.10.2022 and quash the same and consequently permit the petitioner school to pay the EPF arrears based on the said proceedings dated 14.10.2022 in monthly installments in a period of one year.



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For Petitioner : Mr.M.Azeem

For Respondents : Mr.M.Mhababoob Athiff,
Standing Counsel.

ORDER

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

2.The petitioner is an assessee covered by the provisions of the Employee's Provident Funds and Miscellaneous Provisions Act, 1952. The petitioner had suffered order under Section 7A of the Act. The petitioner states that he had cleared more than 50% of the liability. The petitioner still has to pay a further Sum of Rs.17,61,650/-. The petitioner's counsel informs the Court that even on 01.12.2022 a sum of Rs.1,00,000/- was paid.

3.Even though the learned standing counsel strongly opposes grant of any kind of relief to the petitioner, I am inclined to show indulgence for more reasons than one. The petitioner is an educational institution. During the years 2020 and 2021, on account of pandemic, the students have not been remitting



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their monthly fees and I can take judicial notice of the fact that the managements of educational institutions were put to exceptional hardship. If the impugned order is allowed to be enforced at one go, certainly that would only lead to closure of the establishment. The properties of the petitioner had already been attached. The petitioner had been constrained to rush this Court because show cause notice for arrest has been issued.

4.I am more than satisfied that this is not case in which the petitioner should be made to suffer arrest. The petitioner however comes forward to clear the current arrears of Rs.17,61,650/- in twelve equal monthly installments. In my view, the said offer deserves to be accepted. I, therefore, direct the respondents to permit the petitioner to pay the current employee's provident fund arrears of Rs.17,61,650/- covered by the proceedings dated 14.10.2022 in twelve monthly installments. The first equal monthly installment will commence on 23.12.2022 . If the petitioner commits default in clearing two successive equal monthly installments, then this order would stand automatically recalled and the respondents would be entitled to enforce the liability of the petitioner at one go.



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G.R.SWAMINATHAN, J.

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5.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

02.12.2022

Index : Yes / No
Internet : Yes/ No
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Issue order copy on 05.12.2022

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