



W.P.(MD)No.28738 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.28738 of 2022

W.M.P(MD).Nos.22724, 22728 and 22729 of 2022

M/s.SPM Oxford Matric Hr.Sec. School,
Rep.by its Correspondent,
Kalanjipatty,
Oddanchatram-624 619,
Dindigul District.

... Petitioner

Vs.

1. The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Dindigul District Office,
16-A, R.S.Road, Nagal Nagar,
Dindigul 624 003.

2. The Manager
Federal Bank,
Oddanchatram Branch,
Oddanchatram - 624 301,
Dindigul District.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records relating to the impugned order passed by the 1st respondent in his proceedings No. TN/MD/ MDU/ DO/DGL/ 37955/ M-13/ 7A/8F/ 2022 dated 01.11.2022 and quash the same as illegal.

For Petitioner : Mr.M.E.Ilango

For R1 : Mr.V.S.Karthick

ORDER

This Writ Petition has been filed to call for the records relating to the impugned order passed by the 1st respondent in his proceedings No. TN/MD/ MDU/ DO/DGL/ 37955/ M-13/ 7A/8F/ 2022 dated 01.11.2022 and quash the same as illegal.

2. The case of the petitioner is that the petitioner is a Correspondent of Matriculation Higher Secondary School and is covered under the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (hereinafter 'Act' for the sake of brevity). On 29.07.2022, the first



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respondent has initiated an action under Section 7A of the Act for recovery of a sum of Rs.33,21,271/- (Rupees Thirty Three Lakhs Twenty One Thousand Two Hundred and Seventy One) from the petitioner on the ground that the petitioner has not contributed the Employees Provident Fund to the concerned Authority. Immediately, the petitioner has filed a review application under Section 7B of the Act. However, the said review application was dismissed on 18.10.2022. Challenging the orders passed under Section 7A and 7B of the Act, the petitioner had filed an appeal before the Tribunal on 01.11.2022. However, an appeal could be filed within 120 days and therefore, the petitioner is having a time limit till 17.02.2023 to file an appeal. In the meantime, the respondents had taken coercive steps directing the second respondent Bank where the petitioner is maintaining its bank account, to recover a sum of Rs.33,21,271/- from the petitioner by passing the impugned order under Section 8F of the Act. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submits that the order passed under Section 7A by the first respondent and the order passed



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in the review application under Section 7B of the Act are challenged before the Employees Provident Fund Appellate Tribunal by way of an appeal on 01.11.2022 and it is in the numbering stage. However, in the meanwhile, coercive steps were taken by the respondents as against the petitioner. Hence, having no other efficacious alternate remedy except to approach this Court, this Writ Petition has been filed. He further submits that the petitioner is now ready and willing to pay a sum of Rs.8,21,271/- (Rupees Eight Lakhs Twenty One Thousand Two Hundred and Seventy One) to the first respondent within a period of four weeks from the date of receipt of a copy of this order. He prays that this Court may issue a direction to the Appellate Tribunal to dispose of the appeal filed by the petitioner as expeditiously as possible.

4. Heard Mr.V.S.Karthick, the learned counsel appearing for the first respondent.

5. Though a larger relief has been sought for by the petitioner in the present writ petition, since the petitioner is ready to deposit a sum of



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Rs.8,21,271/- (Rupees Eight Lakhs Twenty One Thousand Two Hundred and Seventy One) to the first respondent, without expressing any view on the merits of the case, this Court directs the petitioner to pay a sum of Rs.8,21,271/- (Rupees Eight Lakhs Twenty One Thousand Two Hundred and Seventy One) to the first respondent within a period of four weeks from the date of receipt of a copy of this order. The Employees Provident Funds Appellant Tribunal is directed to dispose of the appeal filed by the petitioner within a period of 12 weeks thereafter, if the appeal is otherwise in order. Till the disposal of the appeal, the respondents are directed not to take coercive steps against the petitioner.

6. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

22.12.2022

Index : Yes / No

Speaking Order : Yes / No

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M.DHANDAPANI,J.

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