



WEB COPY



WP NO.21701 OF 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2023

CORAM:

THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P.NO.21701 OF 2011

The Chennai Metropolitan Drinking Water
and Sewerage Board
Officials & Employees Union
Rep. By its President
26, 4th Main Road, Thiruvalluvar Nagar,
Chennai – 600 118.

... Petitioner

Vs.

- 1.The Chennai Metropolitan Water Supply
and Sewerage Board
Managing Director
Pumping Station Road,
Chintadripet, Chennai – 600 002.
- 2.The Chief Controller of Finance
The Chennai Metropolitan Water Supply
and Sewerage Board
Pumping Station Road,
Chintadripet, Chennai – 600 002.



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3.The Regional Provident Fund Commissioner
Royapettah High Road,
Chennai – 600 014.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st respondent to deposit the provident fund contribution of the employer and 250 workmen employed as drainage sewer workers divers with the Regional Provident Fund Commissioner.

For Petitioner : M/s.K.Shanmugakani
No appearance

For Respondents : Mr.N.Paul Sunder Singh
1 and 2

For Respondent-3 : Mr.V.Sundareswaran

ORDER

Despite the matter is adjourned on several occasions, there is no representation on behalf of the petitioner on many occasions. Even today, when the matter is called, the learned counsel for the petitioner is absent and there is none to represent the petitioner's counsel.



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2.The above writ petition is filed for issuance of writ of mandamus directing the first respondent to deposit the provident fund contribution of the employer and 250 employees worked as drainage sewer workers divers with the Regional Provident Fund Commissioner.

3.The learned counsel for the third respondent produced before this Court the communication dated 26.09.1989 issued by the Regional Provident Fund Commissioner, Tamil Nadu and Pondicherry, to the Managing Director, Madras Metropolitan Water Supply and Sewerage Board, the first respondent herein. As per this communication, it is seen that the Government of India considered and agreed to exclude the Madras Metropolitan Water Supply and Sewerage Board, the first respondent herein, from the purview of Employees' Provident Fund and Miscellaneous Provisions Act, 1952, with effect from 01.03.1988. As per this communication, the Government of India, vide Notification No.S.O.2432, dated 26.08.1987, in exercise of its power under Section 16(1)(c) of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, has



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excluded the applicability of the Act to the first respondent. Therefore, the writ petition is not maintainable. If the first respondent is exempted from the purview of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, the petitioner's writ petition to enforce the statutory obligations of the first respondent under the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, is unsustainable.

4. Since the learned counsel for the petitioner is not present, this Court is unable to decide the writ petition on merits. However, the petitioner, probably in view of the stand taken by the respondents is not inclined to pursue the matter. Therefore, the writ petition is liable to be dismissed for non-prosecution. Accordingly, the writ petition is dismissed for non-prosecution. No costs.

02.03.2023

Index : Yes/No
Internet : Yes/No
Speaking / Non-speaking order
TK

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S.S.SUNDAR, J.

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