



W.P.No.4780 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.4780 of 2023
and W.M.P.Nos.4784 & 4786 of 2023

M/s.SSK College of Engineering &
Technology,
Now Known as Dhanalakshmi Srinivasan
College of Engineering,
rep. by its Secretary-P.Neelaraj,
Pitchanur Village, Navakkarai Post,
Coimbatore-641 105.

... Petitioner

Vs.

1.The Assistant PF Commissioner,
Employees' Provident Fund Organisation,
(Ministry of Labour & Employment,
Government of India),
Regional Office,
Bhavishya Nidhi Bhavan,
P.B. No.3875, Dr. Balasundaram Road,
Coimbatore-641 018.

2.The Branch Manager,
Indian Overseas Bank,
SPG Buildings Parvadha Gounder
Najammal Avenue,
Gandhi Nagar, Madukkarai Post,
Coimbatore-641 018.

3.The Branch Manager,
Indian Overseas Bank,
Sri Varadharaj Complex,
Elambalur Road,
Perambalur-621 212.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records from the first respondent in Proceedings No.TN/RO/CBE/77546/CC1(11)/2022-23 and quash its order dated 18.11.2022 with a direction to the first respondent to hold enquiry afresh by affording opportunity to the petitioner and consequentially direct the first respondent to revoke the attachment orders dated 03.02.2023 and 09.02.2023 issued to the second respondent and attachment order dated 27.01.2023 issued to the third respondent.

For Petitioner : Mr.S.Ravindran, Sr. Counsel
for Mr.S.Bazeerahamed

For Respondent-1 : Mr.R.Vishnu

For Respondent : Mr.N.Somasundar
Nos.2 & 3

ORDER

The prayer in the present Writ Petition is for quashing of the order passed by the first respondent under Section 7A of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 [hereinafter referred to as "the Act"], dated 18.11.2022 and also, for a direction to the first respondent to revoke the attachment orders dated 27.01.2023, 03.02.2023 and 09.02.2023 issued to the second and third respondents respectively.



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2. Heard Mr.S.Ravindran, learned Senior counsel for the petitioner and Mr.R.Vishnu, learned counsel appearing on behalf of the first respondent, as well as Mr.N.Somasundar, learned counsel for the second and third respondents.

3. The learned Senior counsel for the petitioner submitted that they have also preferred an appeal before the Central Government Industrial Tribunal [hereinafter referred to as 'CGIT'] on 15.03.2023, which is yet to be taken on file by the CGIT. In continuation of the orders passed under Section 7A of the Act, the first respondent herein had issued attachment orders on 03.02.2023, 09.02.2023 & 27.01.2023 attaching the bank accounts of the petitioner's college.

4. When the petitioner had already preferred an appeal before the CGIT, the respondents 2 and 3 may not be justified in continuing with the orders of attachment, more particularly, when the petitioner has right to seek for waiver of the deposit amount in the appeal. It is stated by the learned Senior counsel for the petitioner that they have also filed waiver application.



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5. In this background, this Court is of the view that the orders of attachment, would be revoked. This Court also deems it fit to direct the Central Government Industrial Tribunal to dispose of the stay application filed by the petitioner in the appeal.

6. In the light of the above observations, the orders of attachment issued by the first respondent on 27.01.2023, 03.02.2023 & 09.02.2023 to the second and third respondent respectively, are hereby revoked. There shall be a further direction to the CGIT to take up the petitioner's appeal dated 15.03.2023 on file and dispose of the stay and waiver application as expeditiously as possible, in any event, atleast within a period of two months from the date of receipt of a copy of this order. The Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

29.03.2023

Index : Yes / No
Order : Speaking / Non Speaking
Neutral Citation: Yes / No

DP



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WEB COPY

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M.S.RAMESH,J.

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