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W.P.No.21705 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.21705 of 2023

Chennai Port Trust Industrial Employees
Canteen Workers Welfare Association,
Regn.No.1433/2000,
Rep. by its President,
No.574, S1, Arivaham Apartments,
18th Street, Tamil Nadu Housing Board,
Koratur, Chennai – 600 080.

...Petitioner

Vs.

1. The Chairman,
Chennai Port Authority,
No.1, Rajaji Salai, Chennai-600 001.
2. The Regional Provident Fund Commissioner,
Regional Office - Chennai I,
Employees Provident Fund Organization,
Royapettah, Chennai-600 014.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to refund the contribution made by the 121 members of the petitioner Association, whose names are given in the Annexure to the writ petition towards the pension Fund, the EPF Administrative charges, Employees deposit linked Insurance charges and Inspection charges along with interest at the rate of 6% per annum.



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For Petitioner : Mr.Balan Haridas

For Respondents : Mr.Haja Mohideen Gisthi, for R1

ORDER

This Writ petition has been filed seeking direction to the 2nd respondent to refund the contribution made by the 121 members of the petitioner Association, towards the pension Fund, the EPF Administrative charges, Employees deposit linked Insurance charges and Inspection charges along with interest at the rate of 6% per annum.

2. Mr.Haja Mohideen Gisthi, learned counsel takes notice for the 1st respondent. In view of the consent expressed by the Learned counsel appearing on either side, this petition is taken up for final disposal.

3. Since no adverse order is being passed against the 2nd respondent, notice to the 2nd respondent is dispensed with.

4. The case of the petitioner is that the petitioner association is registered under the Societies Registration Act and the members of the petitioner association were working in the canteen of Chennai Port Trust and they were all covered under the Employees Provident Fund and



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Miscellaneous Provisions Act. Though the 1st respondent had deducted some amount from the petitioner association's members towards the contribution to the pension fund, however, the same was not refunded by the EPF organization. Therefore, the petitioner association made a representation dated 11.03.2023 before the 2nd respondent, seeking to refund the amount deducted towards the Pension fund, EPF Administrative charges, employees deposit linked Insurance charges and Inspection charges etc., and have also sent a legal notice to that effect on the same date, there was no response. Hence, the petitioner has come up with this Writ petition.

5. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice if this Court issues direction to the 2nd respondent to consider the petitioner association's representation dated 11.03.2023 and to consequently refund the contribution made by the members of the petitioner Association, towards the pension Fund, the EPF Administrative charges, Employees deposit linked Insurance charges and Inspection charges along with interest at the rate of 6% per annum, as expeditiously as possible.

6. On the above said contention heard learned counsel for the 1st



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respondent and perused the material documents placed on record.

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7. Considering the limited request made by the learned counsel for the petitioner, this Court without expressing any opinion on the merits of the case directs the 2nd respondent to consider the petitioner association's representation dated 11.03.2023 on merits and in accordance with law and pass appropriate orders with regard to refund of contribution made by the petitioner Association's members, towards the pension Fund and other charges along with interest at the rate of 6% per annum, within a period of two weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner.

8. With the above observations and directions, this Writ petition stands disposed of. No costs.

24.07.2023

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NCC	: Yes/ No
Speaking Order	: Yes/ No
Index	: Yes/ No

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M.DHANDAPANI., J.



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