



W.P.No.22401 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

W.P.No.22401 of 2019
and W.M.P.No.21741 of 2019

The Regional Provident Fund Commissioner - II,
Employees Provident Fund Organization,
Regional Office, P.B.No.3875,
Dr.Balasundaram Road,
Coimbatore - 641 018.

... Petitioner

Vs.

1 The Presiding Officer,
CGIT CUM EPF Appellate Tribunal,
Chennai.

2. Mr.Murugan,
Professor & Registrar-in-charge,
M/s.Bharathiyar University,
Maruthamalai Main Road,
Coimbatore - 641 046.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorari, calling for the records pertaining to the proceedings of the 1st respondent, dated 17.07.2019 in EPFA No.56 of 2019 and quash the same.

For Petitioner : Ms.R.Meenakshi
For Respondents : Mr.S.Ezhil Raj (For R2)



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ORDER

Challenging the orders passed by the CGIT-cum-EPF Appellate Tribunal, Chennai in EPFA No.56/2019, dated 17.07.2019, the present Writ Petition has been filed.

2. The 2nd respondent / Bharathiyar University is an establishment covered under the Employees' Provident Fund & Miscellaneous Provisions Act, 1952 (in short 'the Act'). Since they did not remit the Provident Fund to certain employees, an inquiry under Section 7A(1)(b) of the Act was initiated and the Enforcement Officer vide her report dated 13.11.2018 had concluded that the 2nd respondent has to remit the Provident Fund for the on-roll employees for the period from April 2009 to December 2016. Thereafter, the petitioner passed an Order under Section 8 F of the Act, directing the Branch Manager of the Bank of India where the 2nd respondent is having an account to transfer a sum of Rs.4,51,77,496/- towards arrears of the Provident Fund to the credit of the Writ Petitioner. Challenging the said order, the 2nd respondent filed EPFA No.56/2019 before the 1st respondent/CGIT cum



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EPF Appellate Tribunal, Chennai. The CGIT-cum-EPF Appellate Tribunal, Chennai while admitting the appeal on 17.07.2019, stayed the proceedings of the Writ Petitioner dated 20.02.2019 till the disposal of the Appeal.

3. Ms.R.Meenakshi, learned counsel for the petitioner contended that the CGIT cum EPF Appellate Tribunal should have directed the 2nd respondent / Bharathiyar University, Coimbatore to pay 75% of the EPF as mandated under Section 7(O) of the Employees' Provident Funds and Miscellaneous Act, 1952 (hereinafter referred as the Act) and instead, had directed the present Writ Petitioner to refund 40% of the amount to the 2nd respondent. Her further contention is that subsequent to the orders passed by the Appellate Tribunal, the 2nd respondent/University has paid the entire amount payable to the employees. Since the present Writ Petitioner has been directed to refund 40% of the amount remitted by the 2nd respondent/University, the Order passed by the CGIT cum EPF Appellate Tribunal, Chennai is liable to be set aside.



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4. Mr.S.Ezhil Raj, learned counsel appearing for the 2nd respondent in all his fairness conceded the contentions of the counsel for the petitioner.

5. In view of the above, the orders passed by the 1st respondent in EPFA No.56/2019 dated 17.07.2019 is set aside. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

07.12.2023

Index: Yes/No
Speaking/Non-Speaking order
vum

To

The Presiding Officer,
CGIT CUM EPF Appellate Tribunal,
Chennai.



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R. HEMALATHA, J.

vum

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