



WEB COPY



W.P.No.22901 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.22901 of 2023

The Madras Pinjrapole,
Represented by its General Manager,
No.383, Konnur High Road,
Chennai – 600 012.

... Petitioner

Vs.

- 1.The Secretary,
Ministry of Labour & Employment,
Government of India,
Shram Shakti Bhawan,
Rafi Marg,
New Delhi – 110 001.
- 2.The Chief Executive Officer,
EO Employees Provident Fund Organisation, Head Office,
Bhavishya Nidhi Bhawan,
14 – Bhikaji Cama Palace,
New Delhi – 110 066.
- 3.The Regional Provident Fund Commissioner (comp),
Employees Provident Fund Organisation,
Regional Office,
No.37, Royapettah High Road,
Chennai – 600 014.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the representation dated 04.07.2023 made by the petitioner within a time frame fixed by this Court.

For Petitioner : Mr.A.Arokia Satheesh

For Respondents : Mr.Kulanthaivel [R1]
Mr.K.Venkateshan [R2 & R3]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents to consider the representation dated 04.07.2023 made by the petitioner within a time frame fixed by this Court.

2. Mr.Kulanthaivel, learned counsel accepts notice for the first respondent and Mr.K.Venkateshan, learned counsel accepts notice for the respondents 2 and 3. In view of the consent expressed by the learned counsel appearing for the parties, this petition is taken up for final disposal.

3. The petitioner Society is renowned Charitable Institution formed in the year 1906 by the parent body SPCA (Society for Prevention of



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Cruelty to Animals) for the object of taking care of the old animals. They made a representation dated 04.07.2023 before the respondents seeking exemption to the petitioner from paying EPF for the period from April 2015 to March 2018 as it has already paid a consolidated wages to unskilled labour and most of the labours has left their organization and the whereabouts of them were not known to the petitioner. Since the same was not considered by the respondents, the petitioner has filed the above writ petition before this Court.

4. Though very many grounds have been raised in this writ petition, the learned counsel for the petitioner submits that, it would suffice, if this Court issues a direction to the first respondent to consider the petitioner's representation dated 04.07.2023 and pass appropriate orders, within a time frame that may be stipulated by this Court.

5. The learned counsel appearing for the first respondent submits that, for the very same relief, the petitioner had already filed a writ petition before this Court in W.P.No.5437 of 2022 and this Court, by its order dated 10.03.2022 issued a direction to the first respondent to



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consider the representation of the petitioner dated 10.02.2022 and pass orders on its own merits and in accordance with law, pursuant to which, the first respondent had passed an order on 26.05.2023. However, without challenging the said order, again, the petitioner had filed the present writ petition for the very same relief, which is not sustainable. Accordingly, he prays for dismissal of the writ petition.

6. Heard the learned counsel appearing on both sides and perused the materials available on record.

7. Admittedly, the petitioner, for the very same relief, had already filed a writ petition before this Court in W.P.No.5437 of 2022 and this Court by its order dated 10.03.2022 issued a direction to the first respondent to consider the petitioner's representation and pass appropriate orders, pursuant to which, the first respondent had passed an order dated 26.05.2023.

8. As rightly submitted by the learned counsel appearing for the respondent that, without challenging the order passed by the first



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respondent dated 26.05.2023, filing the present writ petition with a similar request for a different period, is not sustainable. Therefore, the prayer sought for by the petitioner cannot be acceded to and the writ petition is liable to be dismissed.

9. Accordingly, the writ petition is dismissed. However, the petitioner is at liberty to workout the remedy in the manner known to law.
No costs.

03.08.2023

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp

To

1. The Secretary,
Ministry of Labour & Employment,
Government of India,
Shram Shakti Bhawan,
Rafi Marg,
New Delhi – 110 001.



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M.DHANDAPANI, J.

sp

2.The Chief Executive Officer,
EO Employees Provident Fund Organisation, Head Office,
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New Delhi – 110 066.

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