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W.P.No.26086 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26086 of 2017

And

**W.M.P.Nos.27707 & 27708 of 2017,
33559 of 2018 and 15988 of 2019**

G.Ramachandran

... Petitioner

Vs.

- 1.Government of Tamil Nadu
Rep. by its Principal Secretary,
Co-operative, Food and
Consumer Protection Department,
Fort St. George,
Chennai – 600 009.
- 2.The Additional Registrar of Co-operative Societies
No.170, E.V.R. Periyar High Road,
Kilpauk,
Chennai – 600 010.
- 3.Joint Registrar of Co-operative Societies
Krishnagiri Region,
Krishnagiri – 635 001.
- 4.Employees Provident Fund Organization
Rep. by its Regional Provident Fund Commissioner II
Sub-Regional Office,
Sri Jayalakshmi Plaza,
Anna Salai – Swarnapuri,
Salem – 636 004.



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5.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization
(Ministry of Labour, Government of India)
Sub-Regional Office,
SJ Plaza, Swarnapuri,
Salem – 636 004.

6.The Enforcement Officer,
Employees' Provident Fund Organization
District Office,
No.35A/107 West Link Road,
Co-operative Colony,
Krishnagiri – 635 001.

7.The Secretary,
S 5922 Maharaja Kadai Primary Agricultural
Co-operative Credit Society,
Maharaja Kadai Post,
Krishnagiri Taluk and District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, after calling for the concerned records from the respondents 5 and 6, quash the order of the sixth respondent dated 14.12.2016 bearing No.TN/SLM/EO/KNG/2016, order of the fifth respondent dated 22.12.2016 bearing Ref. No.CB/SRO/SLM/COMP-I & II/PACC Society/Not covered/2016 and the order of the third respondent dated 04.07.2017 bearing Na.Ka. No.236/2017/ Tha.Va(5) as illegal, arbitrary and contrary to the provisions of the Employees' Provident Funds and Miscellaneous



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Provisions Act, 1952 and consequently direct the respondents 1 to 6 to cover the seventh respondent under the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 and further direct the respondents 4 to 6 to recover the Provident Fund Contribution (both employer and employee) from the seventh respondent in respect of the petitioner from July 2002 onwards when the petitioner joined the service and till date along with interest prescribed and remit the contribution in the Provident Fund Account of the petitioner and permit him to withdraw the same on his superannuation.

For Petitioner : Mr.Balan Haridas

For Respondents : Mr.M.S.Prem Kumar for R1 to R3
Government Advocate
Mr.P.K.Panneerselvam for R4 to R6
Mr.L.P.Shanmugasundaram for R7

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus, after calling for the concerned records from the respondents 5 and 6, quash the order of the sixth respondent dated 14.12.2016 bearing No.TN/SLM/EO/KNG/2016, order of the fifth respondent dated 22.12.2016 bearing Ref. No.CB/SRO/SLM/COMP-I & II/PACC Society/Not covered/2016 and the order of the third respondent dated 04.07.2017 bearing Na.Ka. No.236/2017/ Tha.Va(5)

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as illegal, arbitrary and contrary to the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and consequently direct the respondents 1 to 6 to cover the seventh respondent under the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 and further direct the respondents 4 to 6 to recover the Provident Fund Contribution (both employer and employee) from the seventh respondent in respect of the petitioner from July 2002 onwards when the petitioner joined the service and till date along with interest prescribed and remit the contribution in the Provident Fund Account of the petitioner and permit him to withdraw the same on his superannuation.

2.The learned counsel appearing for the petitioner submitted that for non payment of the terminal benefits, the petitioner filed this writ petition. However, this Court vide order dated 14.03.2022 issued direction to the seventh respondent to pay a sum of Rs.6,46,271/- to the petitioner, pursuant to which, the aforesaid amount was paid to the petitioner. Hence, it would suffice, if this Court issues direction to the seventh respondent to pay the pending dues, if any, to the petitioner, within a reasonable time frame.



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3. In view of the above, this Court directs the seventh respondent to pay the pending dues, if any, as per law, to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

4. The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

10.08.2023

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1. Government of Tamil Nadu
Rep. by its Principal Secretary,
Co-operative, Food and
Consumer Protection Department,
Fort St. George,
Chennai – 600 009.
2. The Additional Registrar of Co-operative Societies
No.170, E.V.R. Periyar High Road,
Kilpauk,
Chennai – 600 010.
3. Joint Registrar of Co-operative Societies
Krishnagiri Region,
Krishnagiri – 635 001.

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4. Employees Provident Fund Organization
Rep. by its Regional Provident Fund Commissioner II
Sub-Regional Office,
Sri Jayalakshmi Plaza,
Anna Salai – Swarnapuri,
Salem – 636 004.
5. The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization
(Ministry of Labour, Government of India)
Sub-Regional Office,
SJ Plaza, Swarnapuri,
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6. The Enforcement Officer,
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District Office,
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