



W.P(MD)No.593 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.593 of 2020

and

W.M.P(MD)No.435 of 2020

Bharath Niketan Polytechnic College,
Represented by its Chairman
R.V.Prasanna Ve

... Petitioner

Vs.

1.The Presiding Officer,
Central Government Industrial Tribunal cum
Labour Court,
First Floor, Shasthri Bhavan,
Haddows Road, Nungambakkam,
Chennai-600 006.

2.The Assistant Provident Fund Commissioner,
Employee's Provident Fund Organization,
Regional Office, Lady Doak College Road,
Chockkikulam, Madurai-625 002.

3.The Enforcement Officer,
Employee's Provident Fund Organization,
Regional Office, Lady Doak College Road,
Chockkikulam, Madurai-625 002.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the



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records pertaining to the impugned order passed by the 1st respondent in EPFA No.544/2018, dated 11.12.2019 and quash the same in so far as imposing a condition of deposit of 60% amount is concerned.

For Petitioner : M/s.J.Anandhavalli

For R2 & R3 : Mr.V.S.Karthi
Standing Counsel

ORDER

The present writ petition has been filed challenging an order passed by the 1st respondent Tribunal, wherein the request of the petitioner for waiver of pre-deposit has been rejected and the petitioner has been directed to deposit 60% of the order passed under Section 7A of the Employee's Provident Funds and Miscellaneous Provisions Act, 1952.

2. According to the learned counsel appearing for the writ petitioner, the Polytechnic College is being run by a charitable institution and it is located in a rural area. Due to setback in the admissions of the students, they were not able to pay the PF contribution within the time prescribed and they are facing financial constrain in view of the said facts.



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3. A perusal of the impugned order indicates that the 1st respondent has observed that the petitioner institution has got a *prima facie* arguable case.

4. In view of the above said facts, this Court is of the opinion that the order of the 1st respondent could be modified to the effect that the pre-deposit may be reduced from 75% to 25%.

5. In view of the above said facts, the order passed by the 1st respondent is hereby partially set aside and the writ petition is allowed to the effect that the appeal filed by the writ petitioner may be numbered on deposit of 25% of Rs.8,10,257/- (Rupees Eight Lakh Ten Thousand Two Hundred and Fifty Seven only), if the said amount is paid within a period of four (4) weeks from the date of receipt of copy of this order.

6. Accordingly, this Writ Petition is partly allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

23.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes



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R.VIJAYAKUMAR,J.

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Order made in
W.P(MD)No.593 of 2020

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