



W.P(MD)No.12038 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12038 of 2023

and

W.M.P.(MD)Nos.10354 & 10355 of 2023

**M/s.Sathyam College of Engineering and Technology,
Represented by its Chairman A.Thinakar,
Sathyam Nagar, Aralvaimozhi,
Kanyakumari.**

... Petitioner

Vs.

**1.The Regional Provident Fund Commissioner,
& Assessing Officer,
Employees Provident Fund Organization,
No.66, Water Tank Road, Nagercoil,
Kanyakumari.**

**2.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
No.65-A, Water Tank Road, Nagercoil,
Kanyakumari.**

... 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 records relating to the impugned order passed in E.P.F.A.No.159/2022, dated 14.02.2023 by the Central Government Industrial Tribunal cum Labour Court, Chennai and quash the same insofar the conditional deposit alone.



W.P(MD)No.12038 of 2023

order under Section 7-A of the Act has been deposited. Of-course, the Tribunal is given the power to waive or reduce the amount to be deposited under this Section. In this case, at the instance of the petitioner, the Tribunal has reduced the amount to be deposited from 75% to 40%. The learned standing counsel draws my attention to the order dated 18.04.2023 passed by the Hon'ble Division Bench in W.A.(MD)No. 435 of 2023. The Hon'ble Division Bench had held that the terms of Section 7-O of the Act are mandatory and that jurisdiction under Article 226 of the Constitution of India is not meant for interfering with the discretionary orders passed by the tribunal and that such interference would definitely affect the functioning of the tribunals.

5. I am therefore not in a position to interfere with the order passed by the tribunal. However, the petitioner is given eight more weeks to comply with the order of tribunal. The order impugned in the writ petition is sustained. The Writ Petition is dismissed subject to extension of time mentioned above. No costs. Consequently, connected miscellaneous petitions are closed.

12.06.2023

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

3/4



WEB COPY



W.P(MD)No.12038 of 2023

G.R.SWAMINATHAN, J.

rmi

W.P(MD)No.12038 of 2023

12.06.2023