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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 11155 of 2015

and

M.P(MD)No.1 of 2015

M/s. Aathi Sweets and Bakery,

Represented by its Proprietrix, P. Chandra.

... Petitioner

Vs.

1. The Enforcement Officer,
Karur - I Division,
Employment Provident Fund Office,
Karur.

2. The Assistant Provident Fund Commissioner,
EPF Organization,
Sub Regional Office,
Ministry of Labour and Employment,
Government of India,
P.B. No. 588, Sree Complex,
D-Block, No.18, Madurai Road,
Trichy.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari, calling for the records relating to the Impugned order passed by the 2nd Respondent in his Proceedings No.Enf. B7/TN/TR/82322/SRO-TRY/2015 dated 16.04.2015 and quash the same.

For Petitioner : Mr.K.Suresh

For Respondents : Mr.I.Robert Chandrakumar

ORDER

This writ petition is filed challenging the impugned proceedings, dated 16.04.2015.

2. Heard on either side. Perused the material documents available on record.

3. The contention of the petitioner is that the respondents have passed an order, dated 04.02.2015 without affording any opportunity to the petitioner. Hence the petitioner's preferred review application filed under Section 7A(4) of the Employees Provident Funds and Miscellaneous Provisions Act and the same was also dismissed without giving any opportunity.



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4. The said contention was refuted by the respondents and submitted that in the enquiry report, dated 04.02.2015 it is categorically stated that the petitioner was granted 5 opportunities. However, the petitioner did not appear at all.

5. But the petitioner submitted that at the time of hearing on 02.12.2014 the enquiry officer had adjourned the case. On 05.01.2015 the Enquiry Officer had directed the Enquiry Officer to submit the report and posted the case on 04.02.2015. Since the Enquiry Officer has not served the copy of the report to the petitioner, the petitioner could not effectively appear for the hearing on 04.02.2015. Since the respondents had denied effective opportunity, the petitioner could not effectively putforth the case before the respondents.

6. By taking the above facts into consideration, this Court is of the considered opinion that, without relevant documents the petitioner could not be directed to appear before the authority and defending the case. Therefore, the respondents are directed to provide all the documents including the enquiry report to the petitioner. Thereafter, the enquiry may be fixed, on that date the



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petitioner shall submit all the documents and argument. The petitioner shall cooperate to the enquiry and shall not drag on proceedings without sought any reason. The said exercise shall be concluded within a period of four months, from the date of receipt of a copy of the order.

7. With these terms, this Writ Petition is disposed of. No Costs.

Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
ksa

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S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No.11155 of 2015**

26.06.2023