



W.P.(MD)No.15351 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 15351 of 2015

and

M.P(MD)Nos.1 & 2 of 2015

Tex – Worths,
Rep by its Managing Partner,
K.Ramesh,
Door No 4/175 A, Authur, Authur Post,
Karur – 639 008

... Petitioner

Vs.

The Assistant Provident Fund Commissioner,
Sub Regional Office,
P.B.No. 588, Sree Complex,
'D' Block, No 18, Madurai road,
Trichy – 620 008.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorarified Mandamus*, to call for the records relating to the order passed by the respondent in impugned orders of the respondent in No.TN/76650/TRY/ENF/B7/2014, dated 14.07.2015 and the order, dated 14.08.2015 in No.Enf/B7/TN/TR/76650/SRO-TRY/2015 quash the same and consequently direct the respondent to conduct the enquiry in the review



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application filed under section 7B of EPF Act, after giving an opportunity to the petitioner.

For Petitioner : Mr. J.Anandkumar

For Respondent : No appearance

ORDER

This writ petition is filed for *Writ of Certiorarified Mandamus* to quash the impugned orders, dated 14.07.2015 and 14.08.2015 with a consequential direction to the respondent to conduct enquiry in the review application, after giving opportunity to the petitioner.

2. The petitioner is running a manufacturing unit of dying, weaving, screen printing etc. and the work outsourced with job work contractors.

3. The contention of the petitioner is that, since the workers are working under work contractors they are not considered as employee of the petitioner's unit, therefore, they are entitled to pay contribution to the alleged workers. The further contention of the petitioner is that the respondents have not



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given sufficient opportunity to the petitioner. Infact the respondents have passed an exparte order. The petitioner has filed a review application on 06.08.2015 within the time limit. The respondents have rejected the review application on 14.08.2015. Challenging both the orders, the present writ petition is filed.

4. The issue of job work contractors was already considered by this Court in *W.P(MD)No.15334 of 2016, vide order, dated 07.04.2022* in the case of *Karur Textile Manufacturer Exporters Association Vs. The Additional Provident Fund Commissioner-I*. If job contractors are engaged, then the respondent ought to take those facts in to consideration, thereafter pass an order.

5. Accordingly, the impugned orders, dated 14.07.2015 and 14.08.2015, are hereby quashed. The petitioner is directed to submit the contract executed between the job contractor and the petitioner to the respondent and based on the evidence submitted by the petitioner, the respondent shall consider and pass an order. The said exercise shall be completed, within a period of four months from the date of receipt of a copy of the order.



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6. Accordingly, this writ petition is allowed. No Costs. Consequently,
connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes
ksa

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To

The Assistant Provident Fund Commissioner,
Sub Regional Office,
P.B.No. 588, Sree Complex,
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S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No. 15351 of 2015**

15.06.2023