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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 1783 of 2015

and

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

M.S.S.Wakf Board College,
Represented by its Secretary,
A.Mohameed Meeran

... Petitioner

Vs.

The Assistant Provident Fund Commissioner,
EPF Organization,
Ministry of Labour – Government of India,
Regional Office,
Lady Doak College Road,
Chokkikulam,
Madurai – 625 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a ***Writ of Mandamus***, forbearing the respondent from enforcing its order, dated 05.02.2015, purported to have been passed under Section 8-F of the Employees Provident Funds and Miscellaneous Provisions Act, 1952, prior to the expiry of the time presentation for appeal and pending disposal of the appeal presented by the petitioner before the EPF Tribunal, New Delhi.



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For Petitioner : Mr.S.Ramesh

For Respondent : Mr.P.Karthick

ORDER

This writ petition is filed for *Writ of Mandamus* forbearing the respondents from enforcing its order, dated 05.02.2015 which has been passed order under Section 8-F of the Employees Provident Funds and Miscellaneous Provisions Act, 1952.

2. Heard Mr.S.Ramesh, learned counsel appearing for the petitioner and Mr.P.Karthick, learned counsel appearing for the respondent. Perused the material documents available on record.

3. The respondent has filed counter wherein it is stated that in consequences to the interim order of this Court dated 12.02.2015, the respondent have kept the 8F proceedings in abeyance. The respondent had also intimated to the Bank vide communication dated 18.02.2015 to keep the impugned order in



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abeyance. The Learned Counsel appearing for the respondent submitted that once the order is kept in abeyance the respondents would not proceed further.

4. Moreover, against the orders passed under 7A and 14B, the petitioner had preferred an appeal and the same is pending before the Tribunal. Therefore, the respondents are restrained from taking any action against the petitioner until disposal of the appeal which is pending before the Tribunal.

5. Accordingly, this Writ Petition stands allowed. The respondents are at liberty to take action after the disposal of the main petition filed by the petitioner. No Costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes
ksa

14.06.2023

To
The Assistant Provident Fund Commissioner,
EPF Organization,
Ministry of Labour – Government of India,
Regional Office, Lady Doak College Road,
Chokkikulam, Madurai – 625 002.



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S.SRIMATHY, J

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**Order made in
W.P.(MD)No. 1783 of 2015**

14.06.2023