



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.8233 of 2015

and

M.P.(MD)No.1 of 2015

M/s.Omega Zips,

Represented by its Proprietor RM.Ammanalai.

... Petitioner

Vs.

1. The Squad Enforcement Officer,
Bhavishya Nighi Bhavan,
NGO 'B' Colony,
Tirunelveli – 627 007.

2. The Regional Provident Fund Commissioner,
Bhavishya Nighi Bhavan,
NGO 'B' Colony,
Tirunelveli – 627 007.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a *Writ of Certiorari*, calling for the records of the 1st respondent in proceeding No.TN/SRO/TNY/IR/Eos-Squad/2015 dated 27.04.2015 and quash the same.



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For Petitioner : M/s.S.Ravindran

For Respondents : Mr.K.Murali Sankar

ORDER

This writ petition is filed challenging the impugned order, dated 27.04.2015.

2. The contention of the respondent EPF organization is that the petitioner's establishment has not taken minimum wages while calculating the salary. Moreover, several portions of the wages are granted as allowances.

3. Since the Hon'ble Supreme Court has elaborately dealt with the similar issue in Regional Provident Fund Commissioner Vs. Vivekananda Vidyamandir and others batch in Civil Appeal No.6221 of 2011 reported in (2020) 17 SCC 643 and direction was issued that some of the allowances ought to be taken and other allowances can be rejected, hence this Court is inclined to allow the writ petition.



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4. The impugned order passed by the respondents, dated 27.04.2015 is hereby quashed. The respondents are directed to consider the petitioner's case in the light of the judgment rendered in Vivekananda Vidyamandir's case and pass orders, within a period of 3 months from the date of receipt of a copy of the order.

5. With these observations and directions, this Writ Petition is allowed.

No Costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No

14.06.2023

Internet : Yes

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To

1. The Squad Enforcement Officer,
Bhavishya Nighi Bhavan,
NGO 'B' Colony,
Tirunelveli – 627 007.
2. The Regional Provident Fund Commissioner,
Bhavishya Nighi Bhavan,
NGO 'B' Colony,
Tirunelveli – 627 007.



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S.SRIMATHY, J

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**Order made in
W.P.(MD)No. 8233 of 2015**

14.06.2023