



W.P(MD)No.19754 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **08.09.2023**

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.19754 of 2016

and

W.M.P(MD)Nos.14244 to 14246 of 2016 and 5561 of 2017

Paramakudi Municipality,
Through its Commissioner,
Paramakudi,
Ramanthapuram District.

...Petitioner

Vs.

1.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office,
Lady Doak College Road,
Chokkikulam,
Madurai – 625 002.



W.P(MD)No.19754 of 2016

WEB COPY

2.The Enforcement Officer,
Compliance Circle/M-5 Dvn/Madurai,
Employees Provident Fund Organization,
Regional Office,
Lady Doak College Road,
Chokkikulam,
Madurai – 625 002.

3.The Manager,
State Bank of India,
Paramakudi Branch,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus to call for the records of impugned order of the first respondent in File No.TN/MD/MDU/91186/Enf.C/Circle-15/M-5/15007/2016 dated 29.07.2016 and the consequential restrain order in No.M5/MD/MDU/91186/ENF-C/8F/2016 dated 08.09.2016 and



W.P(MD)No.19754 of 2016

quash the same as illegal, devoid of merits and unlawful and consequently directing the first Respondent to conduct a proper enquiry by giving sufficient opportunity to the petitioner.

For Petitioner : Mr.M.Kannan

For Respondents : Mr.R.Ravikumar - for R1 & R2

ORDER

The learned counsel for the petitioner fairly submits that as on the date of filing this Writ Petition, as the Tribunal is not working, without availing the remedy of appeal, the petitioner has filed this Writ Petition. As the Tribunal is functioning now, the petitioner intends to file the statutory appeal provided under Section 7-I of Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and sought permission of this Court, as the said appeal has to be filed within sixty days from the date of 7-A order.



W.P(MD)No.19754 of 2016

WEB COPY

2. The learned counsel appearing for the respondents 1 and 2 also endorsed the same.

3. In view of the above factual position, in our considered opinion, it is appropriate to permit the petitioner to file statutory appeal provided under the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, to meet the interest of justice.

4. Accordingly, this Writ Petition is disposed of granting permission to the petitioner to file statutory appeal under Section 7-I of Employees' Provident Funds and Miscellaneous Provisions Act, 1952, within a period of four weeks from the date of receipt of a copy of this order.

5. No costs.



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W.P(MD)No.19754 of 2016

6. Consequently, connected miscellaneous petitions are closed.

08.09.2023

Index : Yes / No

Internet : Yes

NCC : Yes / No

RM



W.P(MD)No.19754 of 2016

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W.P(MD)No.19754 of 2016

BATTU DEVANAND, J.

RM

W.P.(MD)No.19754 of 2016

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