



W.P.(MD) No.22746 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2023

CORAM:

THE HONOURABLE Mr.JUSTICE BATTU DEVANAND

W.P.(MD) No.22746 of 2016

and

W.M.P.(MD) No.16267 and 16268 of 2016

Cumbum Municipality,
Rep., by its Commissioner,
Cumbum,
Theni District.

.. Petitioner

Vs.

1.The Assistant Provident Fund Commissioner,
Employee's Provident Fund Organisation,
Regional Office, Post Box No.1,
Lady Doak College Road,
Chokkikulam, Madurai-625 002.

2.The Enforcement Officer,
EPF Organisation,
Regional Office, Post Box No.1,
Lady Doak College Road,
Chokkikulam, Madurai-625 002.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Certiorari calling for the records of the
first respondent herein in his proceedings in File



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No.MD/MDU/91180/Enf 'C'/Circle-13/13014/2016, dated 19.08.2016 and consequential order passed by the first respondent herein in TN/RO/MD/MDU/91180/Enf 'C'/M/03/8F OO/2016, dated 14.09.2016 and quash the same.

For Petitioner : Mr.K.Hemakarhikeyan

For Respondents : Mr.K.Muralisankar
Standing Counsel

ORDER

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

2. The petitioner is a Municipality. The petitioner is running an establishment known as “Amma Unavagam”. It is a welfare scheme announced by the Government of Tamil Nadu. It caters to the food security requirements of the economically poor. The writ petitioner is aggrieved by the impugned order, whereby even those employees working in Amma Unavagam have been brought within the purview of provident fund coverage. The first respondent had issued an order under Section 8F of the Employees' Provident Funds and Miscellaneous



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Provisions Act, 1952, assessing the liability of the petitioner-Municipality at Rs.3,87,017/-. Challenging the same, this writ petition has been filed.

3. A counter affidavit has been filed on behalf of the respondents.

4. The issue involved in this petition has already been decided by a learned Single Judge of this Court in W.P.(MD) No.1295 of 2017, dated 24.07.2020. The relevant portion of the order dated 24.07.2020 is extracted hereinunder:

“7. This definition had been interpreted in more than one decision of this Court and it has been interpreted to include even a seasonal employee. Therefore, I do not find any ground to sustain either of the contentions urged by the learned counsel appearing for the writ petitioner. However, if there is any arithmetical or clerical error in the impugned order, it is always open to the writ petitioner herein to apply for review before the first respondent. If such review petition is filed within a period of 60 days from the date of receipt of a copy of this order, the



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same will be entertained by the first respondent and considered on merits without any reference to limitation.

8. With this liberty, this Writ Petition stands dismissed.”

5. In terms of the order *cited supra*, this Writ Petition is dismissed.

It is made clear that if there is any arithmetical or clerical error in the impugned order, it is always open to the writ petitioner to apply for review before the 1st respondent. If such review petition is filed within a period of 60 days from the date of receipt of a copy of this order, the same will be entertained by the 1st respondent and considered on merits without any reference to limitation. No costs. Consequently, connected miscellaneous petitions are closed.

28.07.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr



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To

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BATTU DEVANAND, J.

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