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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

REV.APPLW(MD)No.116 of 2023

in

W.P(MD)No. 1933 of 2011

The Regional Provident Fund Commissioner,
Office of the Employees Provident Fund Organization,
Regional Office,
Lady Doak College Road,
Chockikulam,
Madurai – 625 002.

... Petitioner/Petitioner

Vs.

1. The Presiding Officer,
Employees Provident Fund Appellate Tribunal,
2nd Floor, Bhavishya Nidhi Bhawan,
14, Bhikaji Cama Place,
New Delhi – 110 066.

2. M/s.Madurai Kamaraj University
Co-operative Printing Press Limited,
Palkalai Nagar,
Madurai – 625 021.

... Respondents/Respondents

Prayer: Review Application filed under Order 47 Rule 1 r/w 114 of the Civil Procedure Code, to review the order, dated 16.04.2022 passed in W.P.(MD)No.1933 of 2011 on the file of this Court.

For Petitioner : Mr.S.Anwar Sameem



ORDER

This Review Application in Rev. Appl.(MD).No.116 of 2023 was filed against the order, dated 16.04.2022 passed in W.P.(MD)No. 1933 of 2011.

2. Heard the Learned counsel appearing for the Petitioner and perused the material documents available on record.

3. The Writ Petition in W.P.(MD)No.1933 of 2011 was filed for Writ of Certiorarified Mandamus to quash the impugned Order, dated 03.03.2009 passed in A.T.A.No.143(13)2008 modifying the order passed by the 1st respondent Tribunal. The said Writ Petition was dismissed. Aggrieved by the said dismissal order, this Review application has been filed.

4. The contention of the Review petitioner is that already writ petition in W.P(MD)No.41 of 2011 was filed challenged the same impugned order passed by the Tribunal. The said writ petition was filed by the 2nd respondent herein, namely, Madurai Kamaraj University Cooperative Printing Press Limited. The said writ petition was allowed and the matter was remitted back to the original authority for hearing. In



short, the Tribunal order was challenged by the Madurai Kamaraj University Cooperative Printing Press as well as by the Employees Provident Fund Organization. However, the writ petition filed by the employer was allowed and remitted back to the original authority for reconsideration, but the writ petition filed by the Employees Provident Fund Organization challenging the same impugned order in W.P(MD)No. 1933 of 2011 was dismissed. The Review Petitioner submits that when the same impugned order was challenged by both the Petitioner as well as the 2nd respondent, if one petition is allowed, the other petition is liable to be allowed and hence writ petition shall also be allowed and remit back to the original authority for reconsideration.

5. After considering the submission of the Petitioner, this Court is of the considered opinion that the same impugned order was challenged by both the Employer and the Employees Provident Fund Organization. When one petition was remitted back to the authorities, the other petition filed by the Employees Provident Fund Organization cannot be dismissed.

6. Accordingly, this Review Application is allowed and the Order passed by this Court, dated 16.04.2012 in W.P(MD)No.1933 of



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2011 is set aside. The matter is remitted back to the original authority for reconsideration. The said exercise shall be completed within a period of four months, from the date of receipt of a copy of this order. No costs.

28.06.2023

Index : Yes / No
Internet : Yes / No
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S.SRIMATHY, J.

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