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W.P.No.1713 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.1713 of 2024

United Plantation Limited,
Factory Address: TR Bazar,
Naduvattam Village,
The Nilgiris Admin Office:78,
"Cheran Tower",
Govt. Arts College Road,
Coimbatore - 641 018.
Represented by its Deputy General Manager
/ Authorised Signatory ...

Petitioner

versus

The Regional Provident Fund Commissioner,
Employee's Provident Fund Organisation,
Dr.Balasundaram Road,
Post Box-3875,
Coimbatore - 641 018. ...

Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to act on the representations of the petitioner dated 04.03.2019, 09.09.2020, and 24.02.2021 and further sanction the pension to eligible workmen and also disburse the dues of the workers by apportioning the amounts to individual workmen account.



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For Petitioner : Mr.A.P.Venkatesh Prasad
for M/s.AGAM Legal Advocates
For Respondent : Mrs.R.Meenakishi
Standing Counsel

ORDER

The Writ Petition has been filed seeking a writ of mandamus, to direct the respondent to act on the representations of the petitioner dated 04.03.2019, 09.09.2020, and 24.02.2021 and further sanction the pension to eligible workmen and also disburse the dues of the workers by apportioning the amounts to individual workmen account.

2. Heard Mr.A.P.Venkatesh Prasad, learned counsel for the petitioner and Mrs.R.Meenakishi, learned Standing Counsel for the respondent and perused the materials available on record.

3. On 05.08.2024, this Court has passed the following order:-

“On 02.04.2024, this Court has passed the following order:-

“Counsel for the petitioner as well as respondent are present. Petitioner has submitted that in respect of the period commencing from February 2011 to March 2012, the petitioner does not have data. Learned counsel representing the respondent submits that the data for the period



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commencing from February 2011 to March 2012 is available with the respondent, and is ready to provide data however the details of the persons who contributed is not available. List the matter on 17.04.2024.”

2. A status report has been filed by the respondent on 19.03.2024 stating that the amount deposited by the petitioner has been spread across the accounts of the employees for a certain period, but as regards the period from 02/2011 to 03/2012, the employer did not submit the Form 3A ECR file and that is the reason why the contribution could not be accounted to the concerned members accounts.

3. The learned counsel for the petitioner submitted that even for the rest of the periods for which the contribution was found to be omitted, the details were given. If the details pertaining to the periods between 02/2011 and 03/2012 are also given, the petitioner would be able to file Form 3A ECR.

4. As a dutiful employer the petitioner has to maintain the dues of E.P.F. without depending upon the respondent or wait until the respondent issues a demand notice to calling upon the petitioner to pay the arrears. Now to resolve the issue in hand, either the respondent should give credit to the amounts which have already been accounted to the members accounts and give the balance in order to find out the missing details for 14 months, or atleast the petitioner



WEB COPY

W.P.No.1713 of



has to find out from his own records without waiting to get details from the respondent's side.

5. *The limited prayer sought by the petitioner is to direct the respondent to act on the representation for accounting the amount paid by the petitioner against the accounts of the respective employees and sanction pension to the eligible workmen and also disburse the dues of the workers, it is appropriate that the petitioner and the respondent should work out the essential part between the periods from 02/2011 to 03/2012 without blaming each other.*

6. *Post the matter after two weeks."*

4. Even when the matter is taken up today, it appears that no constructive steps has been taken either by the respondent to produce the essential details as requested by the petitioner or the petitioner himself has come forward to trace the details from his own records and to resolve the issue. This is a matter in which the Court is not required to make any adjudication because there is no issue to be dealt with. In fact, the assessment so made by the respondent has been accepted by the petitioner and he has made the payments also in the year 2019 as demanded. Now, the only step that has to be taken by the respondent is to disburse those amounts



to the eligible employees on whose behalf the assessment order has been made.

5. Even when the employer evades to show the necessary details of the employees and bringing them up under the coverage of the E.P.F. Act, the appropriate authorities will not allow the employer to evade the compliance of the essential requirements. Rightly, the respondent has inspected the petitioner's Plantation and collected certain records and found out that there are employees, who have been actually working in the petitioner's Plantation but who had not been brought under the coverage by the employer himself by making due E.P.F. contribution in respect of them.

6. Since the respondent has assessed the dues from and out of the documents which have been perused and seized, it will be worthwhile if the respondent gives out those details in order to enable the petitioner to file the respective Form-3A in this regard or exempts the employer from filing Form-3A ECR due to lack of details and disburses the amounts directly to the employees for whose benefit the assessment order has been made and



complied. The above exercise shall be completed by the respondent within a period of four (4) weeks from the date of receipt of a copy of this order.

7. With the above observation, this Writ Petition is **disposed**. No costs.

28.08.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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WEB COPY

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R.N.MANJULA, J.

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W.P.No.1713 of 2024

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