



WEB COPY



W.P.No.2250 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2024

CORAM:

THE HON'BLE MRS.JUSTICE.N.MALA

W.P.No.2250 of 2024
and W.M.P.No.2456 of 2024

M/s.Talent Pro India Hr. Private Limited,
No.64, (Old No.30), 3rd Floor,
Ethiraj Salai, Egmore,
Chennai – 600 008,
Rep. by its Authorized Signatory.

... Petitioner

Vs.

1.Regional Provident Fund Commissioner – 1,
Employee's Provident Fund Organisation,
No.37, Royapettah High Road,
Chennai – 600 014.

2.The Branch Manager,
HDFC Bank,
ITC Centre,
Anna Salai,
Chennai – 600 002.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to not initiate any recovery proceeding pursuant to the Section 14B order dated 13.10.2023 in Proceedings No.TN/RO/CHN-I/PDC/49675/DIV-28/Regl/2023, until the stay application of the



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petitioner filed along with its appeal is taken up for hearing by the Central Government Industrial Tribunal, pursuant to the representation of the petitioner dated 30.01.2024.

For Petitioner : Mr.S.Haroon Rasheed

for M/s.Agam Legal

For R1 : Mr.T.R.Sundaram

For R2 : No appearance

* * * * *

ORDER

The writ petition is filed to direct the 1st respondent to not initiate any recovery proceeding pursuant to the Section 14B order dated 13.10.2023 in Proceedings No.TN/RO/CHN-I/PDC/49675/DIV-28/Regl/2023, until the stay application of the petitioner filed along with its appeal is taken up for hearing by the Central Government Industrial Tribunal, pursuant to the representation of the petitioner dated 30.01.2024.

2.The petitioner has filed an appeal against the 14 B order dated 13.10.2023 in E.P.F.A.No.205 of 2023 along with the stay application and the same is pending before the Central Government Industrial Tribunal.



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WEB COP 3. By consent of both the parties, the writ petition is taken up for final disposal at the admission stage itself.

4. The learned counsel appearing for the petitioner submits that the Presiding Officer is posted on additional charge and therefore, he sits once in a week in a month. The learned counsel further submits that the stay application was lastly listed for hearing on 22.01.2024 and as the Presiding Officer was not present, the appeal got adjourned to 26.02.2024. While so, the first respondent initiated the recovery proceedings by approaching the second respondent bank to attach the bank account of the petitioner bearing A/c.No.00042320004390 for recovery of the damages. Hence the learned counsel prays that the first respondent should be restrained from initiating the recovery proceedings till the petitioner's stay application is heard and disposed of by the Central Government Industrial Tribunal.

5. I have heard both the learned counsels and I have perused the materials placed on record.

6. That the sitting of the Presiding Officer is not regular as he is posted on



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additional charge is not disputed by the respondent's counsel. Whiles, the 1st

respondent ought not to have initiated recovery proceedings against the petitioner.

Under the circumstances, I am of the view that the 1st respondent should be directed not to initiate recovery proceedings till the hearing of the petitioner's stay application before the Central Government Industrial Tribunal. The Central Government Industrial Tribunal is directed to hear the said stay application as expeditiously as possible and pass orders thereon on merits and in accordance with law.

7. Accordingly, the writ petition stands disposed of with the above directions. There shall be no order as to costs. Consequently, the connected miscellaneous petition stands closed.

31.01.2024

Index : Yes / No

Internet : Yes / No

Speaking order/Non-speaking order
ah

To

1. Regional Provident Fund Commissioner – 1,
Employee's Provident Fund Organisation,
No.37, Royapettah High Road,
Chennai – 600 014.



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2.The Branch Manager,
HDFC Bank,
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N.MALA, J.
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31.01.2024