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C.R.P. No. 789 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2024

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THE HONOURABLE Mr. JUSTICE P.DHANABAL

C.R.P. No. 789 of 2022
and
C.M.P. No. 3977 of 2022

M/s. Asian Bearings Ltd,
Berikai Road,
Belathur,
Hosur,
Tamil Nadu - 635124.

... Petitioner / Petitioner

Vs.

The Regional Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office,
Dalavaipatti,
Salem District - 636302.

... Respondent / Respondent

PRAYER: Civil Revision Petition is filed under section 227 of the Constitution of India, to set aside the Order in E.P.F.A. No. 114 of 2020 dated 17.01.2022 passed by Central Government Industrial Tribunal cum Labour Court, Chennai, Tamil Nadu and consequently allow and dispose the Waiver and Stay Petition after giving an opportunity to the petitioner in E.P.F.A. No. 114 of 2020.



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For Petitioner : Mr. G.Muthukumar

For Respondent : Mr. P.K.Panneer Selvam

ORDER

This Civil Revision Petition has been preferred as against the order passed in E.P.F.A. No. 114 of 2020 dated 17.01.2022 by the Central Government Industrial Tribunal cum Labour Court, Chennai, wherein the petitioner herein has filed main appeal challenging the Order No. CB/SLM/RO/PDC/K-II/17496/14-B-PROCEEDING/2020 dated 25.08.2020 passed by the Regional Provident Fund Commissioner, Salem.

2. According to the petitioner, the Regional Provident Fund Commissioner, Salem has passed an order in Order No. CB/SLM/RO/PDC/K-II/17496/14-B-PROCEEDING/2020 dated 25.08.2020 and the same was challenged before the respondent/appellant authority. The respondent has passed an order for interest and damages under Sections 7Q and 14B of the Employees Provident Funds and Miscellaneous Provisions Act, 1952, without enclosing calculation sheet and thereby, the petitioner filed an appeal before the Central Government Industrial Tribunal, Chennai and the same is pending in E.P.F.A. No. 114 of 2020. This petitioner filed Writ Petition in W.P. No.



2738 of 2021 and the same was ordered by directing the appellant authority to dispose Stay Petition and Waiver Petition within a period of 8 weeks. The C.G.I.T., Chennai was not properly sitting till December 2021 and the cases were simply re-posted to different dates through its official website and no one was allowed inside for the last 6 months. The C.G.I.T. had passed the impugned order by vacating stay for non compliance of the conditions. Therefore, they filed this present Civil Revision Petition.

3. The learned counsel appearing for the petitioner would contend that he preferred appeal as against the order passed by the Regional Provident Fund Commissioner, Salem dated 25.08.2020 before the Central Government Industrial Tribunal cum Labour Court, Chennai. The Tribunal have already granted interim order and without giving any opportunity, the said order was vacated. Therefore, the order passed by the Tribunal dated 17.11.2022 is liable to be set aside.

4. The learned counsel appearing for the respondent would contend that the dues were determined for a sum of Rs. 95,47,032/-. Thereby the Tribunal granted interim stay subject to deposit of Rs. 20,00,000/- by the appellant to the respondent on or before 17.01.2022 and stayed the order till



17.01.2022. The matter was posted on 17.01.2022, but the order of the Tribunal has not been complied. Therefore, the interim stay was vacated as per the earlier order dated 17.01.2022. There is no any illegality in vacating stay by the Tribunal. Therefore, the present Civil Revision Petition is liable to be dismissed.

5. This Court heard both sides and perused the materials available on record.

6. It is an admitted fact that the appeal in E.P.F.A. No. 114 of 2020 is pending before the Central Government Industrial Tribunal cum Labour Court, Chennai. In that appeal, the petitioner herein has sought for interim injunction before the Tribunal and the Tribunal has also granted interim injunction on condition that the petitioner has to deposit a sum of Rs. 20,00,000/- on or before 17.01.2022 and the said conditional order was not complied by the petitioner and thereby the Tribunal has vacated the stay on 17.01.2022. Therefore, the petitioner very well know about the conditional order passed by the Tribunal. Since the conditional order was not complied, the Tribunal has vacated the stay. Therefore, the contention of the petitioner that no opportunity was given and without hearing the petitioner, the stay was



C.R.P. No. 789 of 2024

vacated is not acceptable one. However, since the case is pending before the Tribunal, it is for the petitioner to approach the Tribunal for appropriate orders in accordance with law in respect of the interim stay.

7. With the aforesaid observation, the Civil Revision Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

05.07.2024

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No
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To

The Central Government Industrial Tribunal cum Labour Court,
Chennai, Tamil Nadu.



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P.DHANABAL, J.,

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