



W.P.No.4080 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.4080 of 2024

United Labour Federation,
Rep by its Secretary,
No.149, Thambu Chetty Street,
CJ Complex, 4th Floor,
Chennai 600001.

... Petitioner

Vs.

1.The Regional Provident Fund Commissioner I,
Employment Provident Fund Organization,
Regional Office, S-1, TNHB Phase III,
Sathuvacheri, Vellore.

2.The Management,
Sri Munipaciahappan Textiles Limited,
Sholinghur 631102,
Vellore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to initiate enquiry under Section 7A of the Employees Provident Funds and Miscellaneous Provisions Act 1952 against the 2nd respondent Management in respect of the complaints made by the petitioner union dated 25.02.2016 and to complete the said enquiry within the time frame fixed by this Court.



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For Petitioner : Mr.V.Prakash, Senior Counsel for
Mr.T.Ramkumar

For Respondents : Mr.P.K.Paneerselvam,
Standing Counsel for R1
Mr.P.Balaji for R2

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the first respondent to initiate enquiry under Section 7A of the Employees Provident Funds and Miscellaneous Provisions Act 1952 against the 2nd respondent Management in respect of the complaints made by the petitioner Union dated 25.02.2016 and to complete the said enquiry within the time frame fixed by this Court.

2. Heard Mr.V.Prakash, learned Senior Counsel for the petitioner and Mr.P.K.Paneerselvam, learned Standing Counsel for the first respondent and Mr.P.Balaji, learned counsel for the second respondent and perused the materials available on record.



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3. The learned Senior Counsel for the petitioner submitted that the first respondent authority has initiated the proceedings in respect of the period between April 2015 and April 2016 under Section 7A of the Employees' Provident Fund Act and passed an order on 29.11.2018 determining the dues. The above order has been challenged by the second respondent in EPFA No.29 of 2019 before the Appellate Authority and the Appellate Authority has passed an order of stay in EPFA No.29 of 2019.

4. The learned counsel for the second respondent submitted that the members of the petitioner Union are temporary employees and they are not entitled to claim any Employees Provident Fund benefits. However, the learned counsel for the second respondent further submitted that the order has already been stayed and in the event of the appeal is allowed, the second respondent is not liable to pay any Employees Provident Fund dues. Hence, the direction as sought by the petitioner in the present Writ Petition cannot be granted.

5. However, it is for the first respondent to take a call on the



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representation given by the petitioner and hence, the first respondent shall initiate action on the representation of the petitioner and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order. It is upto the first respondent to decide about the merits of the representation of the petitioner in the light of the earlier orders already passed by the Appropriate Authority, if needed, basing upon the outcome of the pending Appeal in EPFA No.29 of 2019, before the Appellate Authority, by following due procedure of law.

6. With the above observations, this Writ Petition is disposed. No costs.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

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R.N.MANJULA, J.

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