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W.P.No.29456 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.29456 of 2015
and M.P.No.1 of 2015

Palaniappan

... Petitioner

Vs.

1. The Authorized Officer,
Employees Provident Fund Organization,
Sri Venni Commercial Complex,
No.101, 100 Feet Road,
Cholan Nagar,
Olandai Keerapalayam,
Puducherry.

2. The Assistant P.F. Commissioner,
Employees Provident Fund Organization
Sri Venni Commercial Complex,
No.101, 100 Feet Road,
Cholan Nagar,
Olandai Keerapalyam,
Puducherry.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records of the second respondent in proceedings TBPDY/TBPDY0001228000/14B/TBPDY1347 dated 16.06.2015 confirming the order of the second respondent in proceedings



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No.PDC/PC/1228/RegI/2015 (damages) dated 14.05.2015 and quash the same.

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For Petitioner : Mr.T.Panchatsaram

For R1 & R2 : Mr.K.Sirinvasa Murthy
Standing Counsel

ORDER

Heard Mr.T.Panchatsaram, the learned Counsel for the petitioner and Mr.K.Srinvasa Murthy, the learned counsel for the respondents.

2. The petitioner has filed this writ petition challenging the orders of the second respondent authority dated 14.05.2015 & 16.06.2015 calling upon the respondent to pay the arrears on Employees Provident Fund along with interest, damages and other administrative charges.

3. In the order dated 14.05.2015 reference has been made about the statement showing the amounts due under Section 7Q & 14B and for which proceedings have been issued on 28.11.2014. The petitioner did not choose to challenge the order dated 28.11.2014 and he has now challenged the notices of recovery which have been issued subsequently. The petitioner without availing the statutory remedy available to him have filed this writ petition stating that the company has been closed. The petitioner neither invoked Section 7L for



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claiming waiver of damages. In these circumstances the petitioner cannot expect the court to exercise its jurisdiction under Article 226 of the Constitution of India and usurp the powers of the authorities contemplated under the EPF Act.

4. The petitioner has filed this writ petition in the year 2015 and kept pending for more than eight years and on the pretext of pending writ petition he has gained 8 years time so far. The petitioner has come to the Court immediately after the notice for damages has been issued. In view of the same, it is up to the petitioner to submit any appropriate application for seeking waiver for damages with the petition to condone the delay before the appropriate authority.

5. With the above observation, this Writ Petition is disposed. No costs.
Connected miscellaneous petition is closed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order
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R.N.MANJULA, J.

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