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W.A.No.1631 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2024

CORAM

**THE HONOURABLE MRS. JUSTICE J. NISHA BANU
&
THE HONOURABLE MR.JUSTICE P.DHANABAL**

**W.A.No.1631 of 2024
&
CMP.No.11460 of 2024**

M/s. Anna University,
represented by its Registrar,
Sardar Patel Road,
Chennai 600 025.

... Appellant

Vs.

1. Central Government Industrial Tribunal,
1st Floor, 'B' Wing, 26 Haddows Road,
Shastri Bhawan, Chennai 600 006.
2. Regional Provident Fund Commissioner II,
Employees Provident Fund Organisation,
Regional Office, Dr. Balasundaram Road,
Coimbatore 641 018.

.... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order passed in W.P.No.5222 of 20222023, dated 16.08.2023.



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For Appellant : M/s. Paul and Paul

For Respondents : R1- Tribunal
Mr.K.Prabakar for R2

JUDGMENT

(Order of the Court was made by J.NISHA BANU, J.)

This Writ Appeal is preferred by the appellant challenging the order dated 16.08.2023 passed in W.P.No.5222 of 2023, in and by which, the learned Single Judge, by the order impugned, modified the order passed by the 1st respondent.

2.The operative portion of the impugned order is extracted hereunder;

"Though very many grounds have been raised by the learned counsel on either side at the time of arguments, however, considering the financial position of the petitioner management, this Court without going into the merits of the case, is inclined to modify the impugned order of the first respondent dated 12.05.2022 and the petitioner is directed to pay 30% of the dues as determined by the 2nd respondent instead of 45%, within a period of six weeks from the date of receipt of a copy of this order, failing which, the present beneficial order of this Court will automatically stand dismissed.



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7. *Upon receipt of the amount from the petitioner, the 1st respondent shall take up the appeal and dispose of the same on merits within a period of twelve weeks thereafter, after affording opportunity to the petitioner.*

8. *With the above modifications and directions, this writ petition stands disposed of. No costs.”*

3. Today, when the matter is taken up for hearing, learned counsel for the appellant would state that they are willing to pay 30% of the amount as directed by the Writ Court in three instalments commencing from July 2024 which was also accepted by the learned counsel appearing for the 2nd respondent/Provident Fund Organisation.

4. Recording the submission of the learned counsel for the appellant, the following order is passed;

- (i) The appellant shall pay 30% of the dues in three instalments commencing from July 2024;*
- (ii) The first instalment shall be paid on or before 11.07.2024;*
- (iii) the second instalment shall be paid on or before 11.08.2024 and;*



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(iv) *third instalment shall be paid on or before
11.09.2024.*

5. On payment of the amounts as stated above, the 1st respondent/Tribunal shall take up the appeal and dispose of the same on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order, after affording opportunity to the appellant.

6. With the above direction, this Writ Appeal is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

[J.N.B.,J.] [P.D.B.,J.]
11.06.2024

Index: yes/no
Internet:yes/no
msr

To
The Central Government Industrial Tribunal,
1st Floor, 'B' Wing, 26 Haddows Road,
Shastri Bhawan, Chennai 600 006.



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**J. NISHA BANU, J.
&
P.DHANABAL, J.**

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