



WEB COPY

W.P.No.24472 of 2024
and W.M.P.Nos.26773 & 26774 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.24472 of 2024
and W.M.P.Nos.26773 & 26774 of 2024

The Management of
Irbaz Shoe Co.
82, Gudiyattam Road,
Chinna Varigam, Ambur
Vellore - 635 802.

Represented by its Partner

...

Petitioner

versus

The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Sub Regional Office, S-1, TNHB, Phase - II,
Sathuvachari,
Vellore - 632 009.

...

Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records and quash the order dated 26.07.2022 passed in EPFA.No.295 of 2019 by the Employees Provident Fund Appellate Tribunal, Chennai.

For Petitioner : Mr.C.Manohar Gupta

For Respondent : Mr.P.K.Panneer Selvam
Standing Counsel



ORDER

The Writ Petition has been filed challenging the order of the learned Presiding Officer, CGIT-cum-Labour Court and Employees Provident Fund Appellate Tribunal, Chennai, made in EPFA.No.295 of 2019 dated 26.07.2022.

2. Mr.C.Manohar Gupta, learned counsel for the petitioner submitted that the proceedings under Sections 7-Q and 14-B of the Provident Fund Act can be initiated only if there is a delay in payment of the provident fund contribution by the employer and that there is no delay in payment of dues.

3. Mr.P.K.Panneer Selvam, learned Standing Counsel for the respondent submitted that in the impugned order it is observed that despite the petitioner has been given with liberty to pre-deposit 45% to maintain an appeal instead of 75%, he did not come forward to make the payment. Holding that the conduct of the petitioner is just to delay the proceedings, the appellate authority has arrived at a conclusion to dismiss the appeal.



WEB COPY



4. In such case, the only remedy now open to the petitioner is to admit the claim and make any representation before the respondent for making payment in installments, within a period of two weeks from the date of receipt of a copy of this order. On such representation being made by the petitioner, the respondent shall consider the same and pass appropriate orders on merits, within a period of two weeks thereafter.

5. With the above observation, this Writ Petition is **disposed**. No costs. Consequently, connected Miscellaneous Petitions are closed.

05.09.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



WEB COPY

W.P.No.24472 of 2024
and W.M.P.Nos.26773 & 26774 of 2024



R.N.MANJULA, J.

sri

W.P.No.24472 of 2024
and W.M.P.Nos.26773 & 26774 of 2024

05.09.2024