



W.P.No.31855 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2024

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.31855 of 2024
W.M.P.No.34604 of 2024

Melange Club Private Ltd.
Represented by its Director,
Mr.R.Ramesh,
315, Perunudrai Road,
Erode – 638 001.

...Petitioner

Vs.

1.The Regional Provident Fund Commissioner-I,
Regional Office,
Employees Provident Fund Organisation,
Salem Steel Plant Road,
Alavaipatti, Salem – 636 302.

2.The Regional Provident Fund Commissioner-II,
District Office,
Cauvery Road, Karungalpalayam,
Erode – 638 003.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ, order or direction more specifically in the nature Writ of Certiorarified Mandamus calling for the records of the 1st respondent in Ref.No.CB/RO-SLM/47247/7A Inquiry/2024, dated 26.09.2024 and quash the same consequently direct the 1st respondent to appoint fresh enquiry officer as per



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representation of the petitioner dated 21.05.2024 within a stipulated time fixed by this Court.

For Petitioner : Mr.B.Gopalakrishnan

For Respondents : Mr.P.K.Paneerselvam

ORDER

The Writ Petition is filed challenging the order dated 26.09.2024 in and by which the complaint of the petitioner in the form of a representation is disposed of. The order is passed pursuant to the direction of this Court in W.P.No.14817 of 2024 dated 04.09.2024. It can be seen that there is an enquiry which is under progress for passing an order under Section 7 A of the Employees Provident Fund Act, 1952. In between, the petitioner had grievance regarding the particular officer and he complained that both the enforcement officer as well as the departmental representative are inimically disposed and are not providing proper opportunities.

2.Under the said circumstances, this Court directed the Regional Provident Fund Commissioner to consider the representation in detail. The representation is now considered and reasons are given with reference to the proceedings and the representation stands rejected. The learned counsel for the petitioner raises very many grievance again with reference to the said impugned order. Though I am of



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the view that an enquiry for passing an order under Section 7A of the Act under progress, this Court cannot repeatedly interdict in the enquiry. All the allegations including the contentions of the petitioner that the particular officer is inimically disposed of or that no opportunity was granted to the petitioner can be raised if only against an order under Section 7 A is passed against the petitioner and if it goes adverse against the petitioner in the appropriate proceedings. Leaving it open for the petitioner to challenge the ultimate order, if any, to be passed on all grounds including the grounds raised in the Writ Petition, this Writ Petition cannot be entertained at this stage.

3. With the above said liberty, Writ Petition stands disposed of. No costs
Consequently, connected miscellaneous petition is closed.

06.11.2024

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Neutral citation : Yes/No

D.BHARATHA CHAKRAVARTHY, J.,

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To

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