



WEB COPY



W.P.No.39611 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.39611 of 2024

and

WMP.No.42886 of 2024

M/s.Sara Suole Private Limited
33/123, NH 46, M C Road
Jamin Kulithigai Village
Ambur 635 812.
Rep.by its Authorised Signatory
Mr.Amin Paveet

... Petitioner

Vs.

1.The Regional Provident Fund Commissioner -I
Employee's Provident Fund Organization
Regional Office Vellore
S-1 -Phase III, TNHB, Sathuvachari
Vellore 632 009.

2.The Enforcement Officer
Employee's Provident Fund Organization
Regional Office – Vellore
S-1-Phase III, TNHB, Sathuvachari
Vellore 632 009.



W.P.No.39611 of 2024

3.The Branch Manager
State Bank of India
106, By pass Road
Ambur – 635 802.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the first and second respondents from proceeding any further in terms of order dated 11.09.2024 passed under Section 14B of EPF & MP Act, 1952, in proceedings No.TB/VLR/10333400/PDC/14B/2024/2332, consequential prohibitory order dated 16.12.2024 vide proceedings No.TB/VLR/1033400/PDC/8F/DIV-IV/2024 passed by the first respondent until the appeal filed by the petitioner before the CGIT cum Labour Court, Chennai, is taken up for admission and direct the respondents 1 & 2 to revoke the prohibitory order issued to the third respondent bank.

For Petitioner : Mr.G.Anand Gopalan
for M/s.AGAM LEGAL

For Respondents : Mr.P.K.Paneerselvam

ORDER

This Writ Petition is filed forbearing the first respondent from proceeding any further in terms of the order dated 11.09.2024 passed under



W.P.No.39611 of 2024

Section 14B of the Employees Provident Fund and Miscellaneous Provisions Act 1952 and the consequential Prohibitory Order dated 16.12.2024 until the appeal filed by the petitioner before the Appellate Authority, namely the Central Government Industrial Tribunal-cum-Labour Court, Chennai is taken up for admission and to direct the respondents to revoke the Prohibitory Order issued to the respondent bank and unfair issue of such orders.

2. The only ground on which the Writ Petition is filed is that there is no Presiding Officer in the Appellate Forum. It is now notified that the in charge officer from Lucknow will be holding the additional sittings from 07.01.2025 to 10.01.2025. Therefore, only on the said dates the appeal could be taken up and even the stay petition could be moved before the Presiding Officer.

3. Mr.P.K.Paneerselvam, learned counsel takes notice for the Regional Provident Fund Commissioner and that position with reference to the Presiding Officer is not disputed.



W.P.No.39611 of 2024

4. In view thereof, the respondents shall not proceed further until the petitioner has an opportunity to move the appeal and the interim application before the in charge Presiding Officer on 07.01.2025 or if on that date the sitting does not happen, any other subsequent hearing. The only question is that when the appeal is filed, it is for the Appellate Tribunal to consider for grant of such ad-interim relief after hearing both parties. When that opportunity is not provided, until then it may not be fair and proper for the respondents to proceed further.

5. In view thereof, this Writ Petition is disposed of on the following terms;

1) The Appeal is filed on 05.12.2024 but however, the Prohibitory Order is passed on 16.12.2024. In view thereof, the said Prohibitory Order shall stand recalled by the respondents until the appeal is taken up for hearing on 07.01.2025 or such other date as may be possible for the petitioner to move;



WEB COPY



W.P.No.39611 of 2024

2) If the Appellate Court, does not grant any interim order or subject to the orders of the Appellate Court. It would be open for the respondents to issue fresh Prohibition Order.

No costs. Consequently, connected Miscellaneous Petition is closed.

21.12.2024

Neutral Citation : No
dna

To

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W.P.No.39611 of 2024

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