



W.P.(MD)No.1364 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2024

CORAM:

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

W.P.(MD)No.1364 of 2024 &  
W.M.P.(MD)Nos.1415 & 1418 of 2024

NN 184 Puliyal Primary Agricultural  
Co-operative Bank Limited,  
Represented through its Secretary,  
Muslim Street,  
Puliyal Devakottai,  
Sivagangai District.

... Petitioner

VS.

1.The Assistant Provident Fund Commissioner,  
Employees Provident Fund Organization,  
Regional Office, Lady Doak College Road,  
Chinna Chokkikulam, Madurai - 625 002.

2.The Recovery Officer,  
Employees Provident Fund Organization,  
Regional Office, Lady Doak College Road,  
Chinna Chokkikulam, Madurai - 625 002.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records on the file of the respondents and quash the prohibitory order passed by the second respondent under Section 8F of the EPF Act dated 11.12.2023



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and under Section 14B of the EPF Act in No.TN/RO/MD/MDU/41091/M-40/PDC/14B/2023 dated 27.07.2023 for Rs.7,97,454/- and direct the first respondent to receive the interest amount of Rs.4,19,223/- in 10 equal monthly instalments.

For Petitioner : Mr.V.O.S.Kalaiselvam

For Respondents : Mr.S.Ravikumar,  
Standing Counsel

### **ORDER**

Heard Mr.V.O.S.Kalaiselvam, learned counsel for the petitioner and Mr.S.Ravikumar, learned Standing Counsel for the respondents.

2. The petitioner Bank has filed this petition seeking a Writ of Certiorarified Mandamus to call for the records pertaining to the order dated 11.12.2023 passed by the second respondent in No.TN/RO/MD/MDU/PDC/41091/840/8F/2023 and the order dated 27.07.2023 passed by the first respondent in TN/RO/MD/MDU/41091/M-40/PDC/14B/2023 for Rs.7,97,454/-, quash the same and direct the first respondent to receive the interest amount of Rs.4,19,223/- in 10 equal monthly instalments.



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3. Mr.V.O.S.Kalaiselvam, learned counsel appearing for the petitioner Bank submitted that the petitioner Bank has no quarrel in respect of the interest amount and they are ready to pay the same in 10 monthly instalments. However, they dispute the illegality of claiming damages for the delay in remittance of the contribution. The petitioner Bank has already filed a writ petition in W.P.(MD)No.15127 of 2021 challenging the earlier recovery order for the period from 2016-19 and the same is pending. Now this proceedings is in respect of the period from 07/2016 to 01/2023 and the remittance is seemed to be made between the period from 01.04.2019 to 22.05.2023. However, the larger issue in respect of the liability of such kind to petitioners to pay the damages is said to be pending before the Hon'ble Full Bench of this Court.

4. Earlier, when similarly placed persons have filed writ petitions on the same grounds raised by the present petitioner, several orders have been passed by setting aside the attachment orders by leaving the issue with regard to the liability to pay damages to the decision of the Hon'ble Full bench.



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5. In the instant case, the petitioner Bank is willing to pay the interest amount in instalments. It is for the respondents to make a decision and allow them to pay the interest in instalments. So far as the attachment order in respect of payment of damages is concerned, the impugned order is liable to be set aside and the liability of the petitioner Bank to pay damages will be depending upon the outcome of the Hon'ble Full Bench decision of this Court in this regard.

6. With the above observations, the writ petition is **disposed of** and the impugned order of the first respondent in proceedings No.TN/RO/MD/MDU/41091/M-40/PDC/14B/2023 dated 27.07.2023 is set aside. No costs. Consequently, the connected Miscellaneous Petitions are closed.

18.04.2024

NCC: Yes/No  
Index : Yes/No  
Speaking/Non-Speaking order

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R.N.MANJULA, J.

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