



W.P.(MD)No.7845 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.7845 of 2024

and

WMP(MD)No.7133 of 2024

M/s. AJC Public School,
through its Correspondent,
No.1, Raja Nagar,
Saveriyar Koil, Nagai,
Kadambadai,
Nagapattinum- 611 001.

.. Petitioner

Vs.

The Assistant Provident Fund,
Commissioner, Employees Provident Fund Organization,
P.B.No.588, Sree Complex D Block,
No.18, Madurai Road,
Trichy - 620 008.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned order dated 08.01.2024 which was received on 15.02.2024 passed by the Central Government Industrial Tribunal, Chennai in EPFA No.182 of 2023 to quash the same and direct the Central Government Industrial Tribunal,



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Chennai to Admit the appeal, without any payment of conditional pre-deposit for granting interim relief, until the disposal of the Appeal No.182 of 2023.

For Petitioner : Mr.C.Karthikeyan

For Respondent : Mr.I.Pinaykash
Standing Counsel

ORDER

The petitioner has filed this writ petition seeking Writ of Certiorarified Mandamus to quash the impugned order dated 08.01.2024 passed by the Central Government Industrial Tribunal, Chennai in EPFA No.182 of 2023 and consequently direct the Central Government Industrial Tribunal, Chennai to Admit the appeal, without any payment of conditional pre-deposit for granting interim relief until the disposal of the appeal in EPFA No.182 of 2023.

2. Heard Mr.C.Karthikeyan, learned counsel appearing for the petitioner and Mr.I.Pinaykash, learned Standing counsel appearing for the respondent.

3. Mr.C.Karthikeyan, learned counsel for the petitioner submitted that the petitioner's school was started on 31.03.2012 with 127 students and they are



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from nearby villages. Currently, around 350 students are getting educated in the school and the school is functioning in a lease building. The parents of the school students are mostly farmers and fishermen and they were fighting for their livelihood. Hence, the petitioner was unable to get the nominal educational fees from the students and sometimes the parents requested the management to waive or reduce the fees. In such circumstances, the school management paying the salary to their teaching and non teaching staff belatedly every month which made the management to remit the EPF contribution belatedly and not within the prescribed time limit. The total employees employed in the petitioner's school is 15 and the EPF Act is not applicable for the petitioner's school and the management also requested the respondent that since the school do not have 20 employees, they can exclude the petitioner's school from the EPF Act. But in the year 2023, the respondent authority informed that the contribution is pending from the year 2022. In this regard the petitioner filed an appeal before the appellate authority and the same was numbered as EPFA No.182 of 2023 and the appeal had been admitted by the Presiding Officer of the appellate tribunal. But a conditional order of stay was passed to deposit Rs.3,00,000/- within 4 weeks from the date of order. Challenging the same the petitioner filed this writ petition.



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4. Mr.I.Pinaykash, learned Standing counsel appearing for the respondent submitted that the conditional order directing payment of Rs.3,00,000/- has been imposed just for the purpose of granting stay in the appeal which has already been filed by him in EPFA.No.182 of 2023. Since the appeal is admitted, the petitioner is at liberty to conduct the appeal without bothering about the deposit of Rs.3,00,000/- which has been imposed just for the purpose of stay.

5. When the petitioner approaches the appropriate authority for granting stay, it is the discretion of the authority concerned to grant stay either on condition or without any condition. That will not deprive the petitioner to conduct his appeal which has already been entertained and even given with a number to the appeal as EPFA.No.182 of 2023. Having said that the deposit is not prerequisite for entertaining the appeal, the respondent shall not take any coercive action in the event of the petitioner's failure to pay Rs.3,00,000/- for getting the order of stay. The petitioner is also at liberty to conduct the appeal proceedings at the earliest in order to avoid any further risks.

6. With the above observation, this writ petition is **disposed of**. The petitioner is also at liberty to conduct the appeal proceedings at the earliest in



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order to avoid any further risks. No Costs. Consequently, connected miscellaneous petition is closed.

10.04.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes/No

PJL

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R.N.MANJULA, J.

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