



W.P(MD)Nos.5388 to 5390 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)Nos.5388 to 5390 of 2024

and

W.M.P(MD)Nos.5149,5150, 5158 to 5161 of 2024

M/s.Sathyam College of Engineering and Technology,
Represented by its Chairman A.Thinakar.

... Petitioner
(In all cases)

Vs.

1.The Provident Fund Commissioner-II/Recovery Officer,
Employee's Provident Fund Organization,
Regional Office, 66 Water Tank Road, Nagercoil,
Kanyakumari District-629 001.

2.The Recovery Officer,
Employee's Provident Fund Organization,
Regional Office, 66 Water Tank Road, Nagercoil,
Kanyakumari District-629 001.

... Respondents
(In all cases)

3.The Manager,
Union Bank of India,
Kottar Branch,
K.P.Road, Nagercoil-629 002.

... Respondent
(In W.P(MD)No.5388/2024)

3.The Manager,
Union Bank of India,



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Vadasery Branch,
Nagerocil-629 001.

... Respondent
(InW.P(MD)No.5389/2024)

3.The Manager,
Tamil Nadu Mercantile Bank Ltd.,
Aramboly,
Kanyakumari District-629 162.

... Respondent
(InW.P(MD)No.5390/2024)

Prayer in W.P(MD)No.5388 of 2024 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for records of the respondents 1 and 2 in TN/NGL/79132/Recy/8F/2024, dated 02.02.2024 issued to the 3rd respondent and quash the same and permit the petitioner to pay the balance amount of contribution of Rs.95,65,450/- due in pursuance to the order of the 1st respondent, dated 27.09.2022, in 20 monthly installments without prejudice to the right of the petitioner to get restoration and conduct of the appeal in EPFA No.159/2022 before the Central Government Industrial Tribunal-cum-Labour Court, Chennai.

Prayer in W.P(MD)No.5389 of 2024 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for records of the respondents 1 and 2 in TN/NGL/79132/Recy/8F/2024, dated 22.01.2024 issued to the 3rd respondent and quash the same and permit the petitioner to pay the balance amount of contribution of Rs.95,65,450/- due in pursuance to the order of the 1st respondent, dated 27.09.2022, in 20 monthly installments without prejudice to the right of the petitioner to get restoration and conduct of the appeal in EPFA



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No.159/2022 before the Central Government Industrial Tribunal-cum-Labour Court, Chennai.

Prayer in W.P(MD)No.5390 of 2024 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for records of the respondents 1 and 2 in TN/NGL/79132/Recy/8F/2023, dated 29.12.2023 issued to the 3rd respondent and quash the same and permit the petitioner to pay the balance amount of contribution of Rs.95,65,450/- due in pursuance to the order of the 1st respondent, dated 27.09.2022, in 20 monthly installments without prejudice to the right of the petitioner to get restoration and conduct of the appeal in EPFA No.159/2022 before the Central Government Industrial Tribunal-cum-Labour Court, Chennai.

For Petitioner	: Mr.M.P.Senthil (In all cases)
For R1 & R2	: Mr.Mahaboob Athiff Standing Counsel (In all cases)
For R3	: Mr.V.Balasubramanian Standing Counsel (In all cases)

ORDER

W.P(MD)No.5388 of 2024 has been filed to call for records of the respondents 1 and 2 in TN/NGL/79132/Recy/8F/2024, dated 02.02.2024 issued



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to the 3rd respondent and quash the same and permit the petitioner to pay the balance amount of contribution of Rs.95,65,450/- due in pursuance to the order of the 1st respondent, dated 27.09.2022, in 20 monthly installments without prejudice to the right of the petitioner to get restoration and conduct of the appeal in EPFA No.159/2022 before the Central Government Industrial Tribunal-cum-Labour Court, Chennai.

2. W.P(MD)No.5389 of 2024 has been filed to call for records of the respondents 1 and 2 in TN/NGL/79132/Recy/8F/2024, dated 22.01.2024 issued to the 3rd respondent and quash the same and permit the petitioner to pay the balance amount of contribution of Rs.95,65,450/- due in pursuance to the order of the 1st respondent, dated 27.09.2022, in 20 monthly installments without prejudice to the right of the petitioner to get restoration and conduct of the appeal in EPFA No.159/2022 before the Central Government Industrial Tribunal-cum-Labour Court, Chennai.

3. W.P(MD)No.5390 of 2024 has been filed to call for records of the respondents 1 and 2 in TN/NGL/79132/Recy/8F/2023, dated 29.12.2023 issued to the 3rd respondent and quash the same and permit the petitioner to pay the



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balance amount of contribution of Rs.95,65,450/- due in pursuance to the order of the 1st respondent, dated 27.09.2022, in 20 monthly installments without prejudice to the right of the petitioner to get restoration and conduct of the appeal in EPFA No.159/2022 before the Central Government Industrial Tribunal-cum-Labour Court, Chennai.

4. By consent of both parties, these writ petitions are taken up for final disposal at the stage of admission itself.

5. The petitioner is an Assessee covered by the provisions of the Employee's Provident Funds and Miscellaneous Provisions Act, 1952. The petitioner had suffered orders under Sections 8-F and 7-A of the Act. The petitioner's bank accounts have been freezed. That apart, vide proceedings, dated 07.02.2024, the property scheduled in the aforesaid proceedings is also attached. Without challenging the order of attachment of the immovable property, the petitioner has approached this Court challenging the attachment of bank accounts with respect to 3 accounts which are maintained in Union Bank of India, Kottar Branch & Union Bank of India, Vadasery Branch and Tamil



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Nadu Mercantile Bank, Aramboly Branch respectively. The petitioner has to pay an arrear of Rs.95,67,450/-.

6. When the matter came up for admission, the learned counsel appearing for the petitioner submitted that the petitioner is ready to pay the entire amount in 12 equal monthly installments.

7. The learned counsel appearing for the respondents 1 and 2 vehemently submitted that payment of the said amount on installments cannot be permitted.

8. Considering the fact that the petitioner has not challenged the order of attachment of the immovable property and as far as freezing of six bank accounts is concerned, he has challenged the bank attachments pertaining only to 3 accounts, this Court is of the considered view that the petitioner may be permitted to pay 25% of the entire amount on or before **06.05.2024**. Thereafter, the balance amount shall be paid in twelve (12) equal monthly installments and the said exercise to be completed without prejudice to the respondents' right to proceed in terms of the order of attachment of immovable property, dated 07.02.2024. That apart, in case of any default by the petitioner for two (2)



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successive equal monthly installments, then this order would stand automatically recalled and the respondents would be entitled to enforce the liability at one stroke. With such directions, the respondents are directed to de-freeze the account maintained in Union Bank of India, Kottar Branch with immediate effect and other 2 accounts for which the writ petitions are filed, shall be de-frozen on payment of 25% of the amount.

9. Accordingly, these writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

07.03.2024

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

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Kanyakumari District-629 001.

2.The Recovery Officer,
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L.VICTORIA GOWRI, J.

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