



W.P.(MD) No.5555 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2024

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THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.5555 of 2020

&

W.M.P(MD)Nos.4864 and 4865 of 2020

M/s.Jayaram College of
Engineering and Technology
Rep by its Chairman and
Managing Trustee M.Subramanian
Pagalavadi, Karattampatti
Thuraiyur, Trichy District

... Petitioner

Vs.

1.The Recovery Officer
Employees' Provident Fund Organisation,
Regional Office
P.B.No.588, Shree Complex
'D' Block, No.18
Madurai Road, Trichy-620 008

2.The Branch Manager
Canara Bank
No.19, Perumar Koil Samadhi Street
Thuraiyur-621 010

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the order passed by the 1st respondent dated 25.09.2018 vide No.CB/TRY/RO/Recovery/32785/8F/2018-219 and quash the same.

For Petitioner : Mr.A.Rajaram

For Respondents : Mr.D.Sasikumar for R1 to 3

Mr.P.Gunasekaran for R4

No Appearance for R5

ORDER

This Writ Petition has been filed questioning the order of attachment issued by the 1st respondent U/s. 8F of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (in short 'Act') vide proceedings No.CB/TRY/Ro/Recovery/32785/8F/2018-19 dated 25.09.2018.

2. This Court while admitting the Writ Petition had granted interim stay by an order dated 17.03.2020. The impugned order of attachment was issued pursuant to an order passed U/s. 14B of Act vide



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Ref.No.CB/TRY/RECOVERY/32785/CP1/2018 dated 08.08.2018. The said order dated 08.08.2018 was challenged before this Court in W.P.(MD)No. 19368/2018 and the same was disposed of by this Court by an order dated 11.03.2021 directing the petitioner to avail the remedy of appeal before the concerned Tribunal. However, no such remedy was availed by the petitioner and thereby the order dated 08.08.2018 has become final. The impugned order in this Writ Petition is only a consequential order in pursuant to the said order dated 08.08.2018 passed under Sec. 14B of the Act.

3. Taking into consideration the above, learned counsel for the petitioner fairly submitted that petitioner would pay the entire amount due under the impugned order of attachment in instalments and requested to grant 12 monthly instalments. However, learned counsel for the 1st respondent strongly opposed for such long 12 instalments.

4. Considering the facts and circumstances and also taking into consideration, the fact that the said amount was due as early as in the year 2018, this Court deem it appropriate to permit the petitioner to pay the entire



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amounts due under the order of attachment within 8 monthly instalments commencing from the month of March 2024. In case, if there is any default in payment of the amount as mentioned above, it is open to the respondent to take appropriate action in accordance with law. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

13.02.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

kpr

To

The Recovery Officer
Employees' Provident Fund Organisation,
Regional Office
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MUMMINENI SUDHEER KUMAR, J.

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