



W.P.(MD).No.6942 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.6942 of 2024
and WMP(MD) No.6465 of 2024

The District Health Society, Kanyakumari District
Rep. By its Deputy Director,
Office of the Deputy Director of Health Services,
Krishnancoil, Nagercoil, Kanyakumar – 629 001.

... Petitioner

Vs

1. The Central Government Industrial Tribunal Cum - Labour Court,
Haddows Road, Shastri Bhawan,
1st Floor, B Wing, Chennai- 6.
2. The Regional Provident Fund Commissioner - II,
Employees Provident Fund Organisation,
Regional Office, No.65, Tank Road,
Nagercoil, Kanyakumari - 629 001.
3. The Branch Manager,
Canara Bank,
Concordia Building, K.P.Road,
Nagercoil, Kanyakumari District - 629 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents 2 and 3 from taking any coercive action / steps pursuant to an order passed by the



W.P.(MD).No.6942 of 2024

2nd respondent dated 08.02.2024 in No.TN/NGL/Enf/C-31/ 1559375/8F/ 2023-2024, and an order, dated 19.02.2024 having No. TN/NGL/Enf/C-31/ 1559375/8F/2023-2024, as against the petitioner till the 1st respondent Tribunal takes up the EPF Appeal in Sr.No.68 and 69 of 2024 and to decide the stay application.

For Petitioner : M/s. Paul and Paul J Hudson Samuel
And Partners

For Respondents : Court (R1)
Mr.N.Dilipkumar (R3)
Mr.Mahaboob Athiff (R2)

ORDER

The petitioner has filed this writ petition forbearing the respondents 2 and 3 from taking any coercive action / steps pursuant to an order passed by the 2nd respondent dated 08.02.2024 in No.TN/NGL/Enf/C-31/ 1559375/8F/ 2023-2024, and an order, dated 19.02.2024 in No. TN/NGL/Enf/C-31/ 1559375/8F/2023-2024, as against the petitioner till the 1st respondent Tribunal takes up the EPF Appeal in Sr.No.68 and 69 of 2024 and to decide the stay application.

2.The petitioner has submitted that he has challenged the proceedings of the second respondent before the first respondent Tribunal and



W.P.(MD).No.6942 of 2024

for a direction that no coercive action / steps shall be taken by the respondents 2 and 3 till the disposal of the Appeal.

3.However, the learned counsel appearing for the respondents submitted that such an interim order cannot be claimed by the petitioner by invoking extraordinary jurisdiction of this Court. The remedy of the petitioner lies before the Central Government Industrial Tribunal Cum - Labour Court/first respondent/Appellate forum, where the appeal is pending. The petitioner has to get an interim order only before the appellate forum.

4.The learned counsel for the petitioner submitted that the Presiding Officer of the Central Government Industrial Tribunal Cum - Labour Court is vacant and now, the Presiding Officer, Lucknow is holding additional charge. Hence, the petitioner cannot get immediate remedy before the first respondent.

5.The petitioner can at the best seek direction against the first respondent to pass appropriate orders, in respect of whatever proceedings initiated by him for getting interim / final relief. He cannot request this Court to



W.P.(MD).No.6942 of 2024

pass an order, bypassing the jurisdiction when the order is to be passed by the first respondent.

6. With the aforesaid observation, this writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

05.04.2024

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

To

1. The Central Government Industrial Tribunal Cum - Labour Court,
Haddows Road, Shastri Bhawan,
1st Floor, B Wing, Chennai- 6.
2. The Regional Provident Fund Commissioner - II,
Employees Provident Fund Organisation,
Regional Office, No.65, Tank Road,
Nagercoil, Kanyakumari - 629 001.
3. The Branch Manager,
Canara Bank,
Concordia Building, K.P.Road,
Nagercoil, Kanyakumari District - 629 001.



WEB COPY



W.P.(MD).No.6942 of 2024

R.N.MANJULA, J.

PNM

**ORDER IN
W.P.(MD).No.6942 of 2024
and WMP(MD) No.6465 of 2024**

05.04.2024



WEB COPY



W.P.(MD).No.6942 of 2024