



W.P.(MD)No.8897 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.8897 of 2024

and

W.M.P.(MD).Nos.8087 & 8088 of 2024

T.M.Aboobuckor

... Petitioner

Vs.

- 1.The Regional Provident Fund
Commissioner – II,
EPF Organisation,
Regional Officer, 65A, Water Tank Road,
Nagercoil, Kanyakumari District.
- 2.The Enforcement Officer,
EPF Organisation, 65A, Water Tank Road,
Nagercoil, Kanyakumari District.
- 3.The Branch Manager,
Indian Overseas Bank,
Kanyakumari Branch,
Kanyakumari 629 702,
Kanyakumari District.

...

Respondents

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 proceedings under Section 7A of the Act in No.



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TN/NGL/Enf/C.32/7A Order / 33296 / D.No. 381/2022/2023-24 dated 30.11.2023 and the consequential order passed by the first respondent in No.TN/NGL/Enf/C.32/33296/7B Review / 2023-24 dated 06.03.2024 quash the same and consequently directing the respondents to consider the review application dated 02.03.2024 submitted by the petitioner under section 7B of the EPF and MP Act 1952, within a time stipulated by this Court.

For Petitioner : Mr.A.S.Abul Kalaam Azad

For R-1 & R-2 : Mr.M.Mahoob Athiff

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. Mr.M.Mahaboob Athiff, learned Standing Counsel takes notice for respondent Nos.1 and 2.

3. The learned Standing Counsel appearing for respondent Nos.1 and 2 would submit that against the impugned order passed under Section 7-A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952, there is a remedy of filing appeal under Section 7-I of the said Act to the Employees Provident Fund Appellate Tribunal and



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that therefore, the present Writ Petition challenging the impugned order under Section 7-A of the Act is not maintainable.

4. The learned counsel appearing for the petitioner would submit that the writ petitioner has not preferred any appeal against the impugned order passed by the first respondent till now.

5. Since an effective alternative statutory remedy is available to the writ petitioner, the present Writ Petition is not maintainable. Hence, this Writ Petition stands **dismissed**. However, liberty is granted to the writ petitioner to file an appeal before the Tribunal in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

10.04.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

1.The Regional Provident Fund

Commissioner – II,

EPF Organisation,

Regional Officer, 65A, Water Tank Road,

Nagercoil, Kanyakumari District.



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2.The Enforcement Officer,
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R.N.MANJULA, J.

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