



WP(MD) No.16993 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.16993 of 2024

and

W.M.P(MD).Nos. 14636 & 14638 of 2024

P.Rengalakshmi

... Petitioner

Vs.

The Assistant Provident Fund Commissioner,

Employees' Provident Fund Organization,

(Ministry of Labour and Employment,

Government of India),

District Office, A.K.M. Complex,

Old Virudhunagar Road,

Sivakasi-626 189,

Virudhunagar District.

....Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records



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relating to the impugned order passed by the respondent in MD/MDU/DO/SVKS/97404/M9/14B proceedings /DNo.77/2024, dated 12.06.2024 and quash the same.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondent : Mr.A.John Xavier,

Standing Counsel

ORDER

The petitioner has filed this Writ Petition seeking for a Writ of Certiorari, calling for the records relating to the impugned order passed by the respondent in MD/MDU/DO/SVKS/97404/M9/14B proceedings /DNo.77/2024, dated 12.06.2024 and quash the same.

2. Heard Mr.N.Sudhagar Nagaraj, learned counsel for the petitioner and Mr.A.John Xavier, learned Standing Counsel appearing for the respondent.



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

4. The learned counsel appearing for the petitioner would submit that the petitioner was the owner of Colour Matches Factory in the name and style of Shree Colour Matches. The Company has been covered under the purview of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952. In the year 2015, due to heavy loss in the business, the petitioner stopped the production of colour matches. Due to which, the petitioner had not paid the full amount of Provident Fund amount to the respondent and for which, the respondent initiated the proceedings under Section 14B of the Employees Provident Fund and Miscellaneous Provisions Act, 1952. Finally, damages were levied by an order, dated 12.06.2024 for a sum of Rs.1,20,553/- (Rupees One Lakh Twenty Thousand Five Hundred and Fifty Three). Challenging the same, the present Writ Petition has been filed.



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5. However, as against the order passed by the Original Authority, there is an efficacious appeal remedy available before the Appellate Authority under Section 7(I) of the Employees Provident Funds and Miscellaneous Provisions Act. Since an efficacious alternate statutory remedy is available to the writ petitioner, the present Writ Petition is not maintainable.

6. Hence, this Writ Petition stands **dismissed**. However, liberty is granted to the writ petitioner to file an appeal before the Appellate Authority within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

25.07.2024

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

TSG



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To

The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organization,
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R.N.MANJULA, J.

TSG

Order made in
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25.07.2024