



WP(MD)No.3179 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.3179 of 2018
and
WMP(MD)No.3336 of 2018**

M/S.Trichy Engineering College,
Represented by its Trustee Member
A.Srithala Mahaprabu,
1st Floor, A1 Salai Road,
Woraiyur Trichy – 620 003.

...Petitioner

Vs

The Regional Provident Fund Commissioner -II
Employees Regional Provident Fund Organisation,
Regional Office,
No.18, Madurai Road,
Trichy.

...Respondent

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writ of certiorari calling for the records from the file of the respondent in proceedings order TN/SRO-TRY/PDC/C-13/43230/14-B PROC/2017 dated 21.09.2017 under 14-B of the EPF and MP Act, 1952 and quash the same.



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For Petitioner : No representation

For Respondent : Mr.I.Pinaygash

Standing Counsel

ORDER

This writ petition has been filed challenging the order passed by the EPF authority under Sections 14-B of the Employees Provident Fund and Miscellaneous Provident Funds Act [herein after shall be referred to as 'the Act'] dated 21.09.2017 is challenged in this writ petition.

2.The respondent EPF authority has initiated proceedings as against this petitioner college that the petitioner has failed to pay the EPF contribution from July 2015 to March 2017 in time and therefore, for the belated payment of EPF contribution the proceedings under Section 14-B of the Act was initiated by issuing summons to the petitioner on 23.06.2017 by fixing the enquiry on 12.07.2017. However on 12.07.2017 there was no representation for the petitioner. The enquiry was adjourned to 07.08.2017. Even on that day also there was no representation for the petitioner and it was posted to 18.08.2017. On 18.08.2017 the Junior



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Assistant of the petitioner college appeared before the EPF authority and admitted the delayed payment of EPF contribution. Therefore, the EPF authority by order dated 21.09.2017 has levied damages under Section 14-B of the Act. Challenging the same this writ petition has been filed.

3.The learned Counsel for the respondent submits that the EPF authority has initiated proceedings, conducted enquiry for the belated payment of the EPF contribution by the petitioner college and passed order under Section 14-B of the Act, against which, the petitioner is having an appeal remedy under Section 7-I of the Act before the Appellate Tribunal. The petitioner without exhausting the appeal remedy, has straightaway approached this Court.

4.This Court has entertained this writ petition and granted an order of interim stay on 16.02.2018. When the matter was taken on 14.03.2021 at the request of the learned Counsel for the petitioner it was adjourned. Thereafter the matter was listed on 24.10.2024 and there was no representation for the petitioner and therefore, the matter was directed to



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be listed under the caption 'for dismissal' on 25.10.2024. Accordingly, it is listed today. It has been taken up for hearing in the morning and at the request of the petitioner the matter has been passed over. However when the matter has been taken up in the afternoon there is no representation for the petitioner.

5.This Court considered the submission of the learned Counsel for the EPF authority and perused the materials placed on record. This Court does not find any reason to interfere with the order impugned herein. Accordingly this writ petition is dismissed. No costs. Consequently connected miscellaneous petitions are closed.

25.10.2024

Internet : Yes / No

Index : Yes / No

DSK

To

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B.PUGALENDHI.J.,

DSK

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