



W.P(MD)No.17 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P(MD)No.17 of 2021
and
W.M.P(MD)No.10 of 2021

Aravind Spinners Private Limited,
Represented by its Liquidator G.Thirugana Sambandam,
Vellalankulam,
Tenkasi Road,
Tirunelveli-627 008.

... Petitioner

Vs.

The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organisation,
Regional Office,
Bhavishya Nidhi Bhawan,
N.G.O. "B" Colony,
Tirunelveli-627 007.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondent from implementing the order, dated 11.12.2020 in Proceedings No.CB/TNY/20248/14B/820/PDC-1(2)/2020 till the appeal filed by the petitioner is taken up for enquiry by the Central Government Industrial Tribunal cum Labour Court, Chennai.



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For Petitioner : Mr.S.Somaselvakannan
for Mr.T.Ravichandran

For Respondent : Mr.M.Mahaboob Athiff

ORDER

The petitioner establishment is registered under the provisions of Employees Provident Fund and Miscellaneous Provisions Act, 1952, suffered an order under Section 14B of the said Act, 1952 in proceedings No.CB/TNY/20248/14B/820/PDC-1(2)/2020, dated 11.12.2020 passed by the respondent herein. Aggrieved by the said order, the petitioner has already availed a remedy of appeal available under Section 7-I of the said Act, 1952 by filing an appeal before the Central Government Industrial Tribunal cum Labour Court, Chennai on 21.12.2020. Complaining that the said Appellate Tribunal is not functioning from 19.06.2020 due to Covid-19 pandemic, the petitioner approached this Court by filing the present writ petition questioning the orders passed under Section 14B, dated 11.12.2020.

2. This Court considering the facts and circumstances prevailing at that point of time, granted interim stay by an order, dated 19.01.2021. While observing that, in case if the Appellate Tribunal commences its functioning, the



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petitioner is at liberty to seek appropriate interim orders before the Tribunal.

The said interim order was initially granted was limited up to 16.03.2021.

Thereafter, the same was extended up to 26.04.2021 and thereafter, the said interim stay was not extended.

3. Today when the matter is taken up for consideration, it is brought to the notice of this Court by Mr.M.Mahaboob Athiff, the learned Counsel for the respondent that, the appeal filed by the petitioner herein under Section 7-I of EPF and MP Act, 1952 is very much pending and the petitioner herein has been prosecuting the said appeal effectively. As the validity of the present impugned order is subject matter of a statutory appeal filed by the petitioner, which is pending as on date, this Court is not inclined to entertain this writ petition as the petitioner is not entitled to pursue dual remedies parallelly. Further, the present writ petition has been filed only as a stop gap arrangement on the ground that the Appellate Tribunal was not functioning at the relevant point of time. Admittedly, the Appellate Tribunal is functioning as on date effectively. In the circumstances, this Court is not inclined to entertain this writ petition.



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4. Accordingly, this writ petition stands dismissed. It is left open for the petitioner to seek appropriate interim orders before the Appellate Tribunal. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

28.02.2024

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

To

The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organisation,
Regional Office,
Bhavishya Nidhi Bhawan,
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MUMMINENI SUDHEER KUMAR, J.

BTR

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