



W.A.(MD)No.200 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2024

CORAM:

THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**
AND
THE HONOURABLE **MR.JUSTICE K.K. RAMAKRISHNAN**

W.A.(MD)No.200 of 2015
and
M.P.(MD)No.1 of 2015

Rockfort Educational Trust,
A/W Shivani Matriculation School,
Rep. By its Secretary,
S.Prabhakaran

...Appellant

/Vs./

The Assistant Provident Fund Commissioner,
Tiruchirappalli.

...Respondent

PRAYER:- Writ Appeal - filed under Clause XV of Letters Patent Act, to
allow the writ appeal and set aside the order passed by this Court in W.P.
(MD)No.1906 of 2015 dated 16.02.2015.

For Appellant : Mr.P.Chandra Bose

For Respondent : Mr.I.Pinaygash



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JUDGMENT

(Judgment of the Court was made by **V.BHAVANI SUBBAROYAN, J.**)

The petitioner school has filed the writ petition challenging the proceedings issued by the respondent under Section 14B of the Employees' Provident Fund Scheme, 1952, levying penal charges for the damages during the period 12/2009 - 09/2011 for a total sum of Rs. 1,50,766/- along with interest of Rs.75,471/- under Section 7Q of the aforesaid Scheme.

2. According to the writ petitioner, annexure A was issued with the show cause notice, which was not legible and clear and therefore, he sought for clean copy. But the respondent without furnishing the same, the impugned order has been passed, which was challenged in the writ petition by the writ petitioner.

3. The learned Single Judge of this Court was of the view that a fair opportunity was given to the writ petitioner before issuing the show



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cause notice along with annexure A and there is nothing to show that the writ petitioner has made a request seeking for fresh copy. The learned Judge was also of the view that annexure A was not illegible and the writ petitioner wanted to drag on the proceedings one way or other and hence, the writ petition was dismissed. Now, challenging the same, the writ petitioner filed this writ appeal.

4. The writ petitioner, who is the appellant before this Court in this writ appeal raised various grounds, one of which is inspite of the request for an adjournment by the learned counsel appearing for the writ petitioner to get a fair copy of the annexure A from the respondent, the impugned order has been passed without affording the same. He also raised another ground that the respondent has stated about the presence of the advocate requesting for adjournment in the impugned order itself and hence, the impugned order has been passed in violation of principles of natural justice and it is also a non speaking order and the same has to be set aside.



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5. It is seen that the learned Single Judge has not accepted the contention raised by the appellant that the annexure – A is illegible. Hence, this Court directs the respondent to furnish the writ petitioner / appellant the necessary clean copy of the document, which was claimed by him is illegible and to afford a fair opportunity to him. On receipt of objection, if any, the respondent shall consider it and pass appropriate orders on merits and in accordance with law and in the decision to be arrived at by the respondent, if any amount has to be paid by the writ petitioner / appellant, the writ petitioner / appellant is directed to pay the said amount, within a period of six months therefrom (in six installments), failing which the respondent shall proceed further on merits and in accordance with law.

6. This writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(V.B.S.J.) & (K.K.R.K.J.)
20.02.2024

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

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TO:-
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The Assistant Provident Fund Commissioner,
Tiruchirappalli.



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and
K.K. RAMAKRISHNAN, J.

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Judgment made in
W.A.(MD)No.200 of 2015

Dated:
20.02.2024