



W.P(MD)No.22294 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 19.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.22294 of 2019 and
WMP(MD) No.19066 of 2019

Uzhaippor Urimai Iyakkam,
(Movement of Workers Right),
Reg.No.3077/CNI,
Rep by its Secretary,
41, Bishop Road,
Puthur,
Trichy – 17.

Petitioner

Vs

- 1.The Regional Provident Fund Commissioner,
Employees Provident Fund Organization,
Trichy.
- 2.The Managing Director,
Tamilnadu Water Supply and Drainage Board (TWAD),
Chepauk,
Chennai – 600 005.
- 3.The Superintending Engineer,
Tamilnadu Water Supply and Drianage Board (TWAD),
Trichy-Pudukkottai Circle,
Khaja Nagar,
Trichy – 23.



W.P(MD)No.22294 of 2019

4.The Executive Engineer,
Maintenance Division,
Trichy-Pudukkottai Circle,
Tamilnadu Water Supply and Drianage Board (TWAD),
Khaja Nagar,
Trichy – 23.

5.K.Veerakumar
6.M.Saravanakumar
7.A.Devarajan
8.Sri Hariramajeyam Construction,
Rep by its Proprietor,
Mr.K.A.Nagaraj,
Ambika Apartment,
75, Rice Mill Street,
Thuvarankurichi Post,
Manapparai Taluk,
Trichy District.

...Respondents

PRAYER :Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of a writ of Mandamus, directing the first respondent to recover the dues towards the EPF contributions, both employer's and employees, from the respondents 2 to 8 for the 108 workmen employed in the 'Combined Water Supply Scheme 674' under the control of the fourth respondent for the period from 01.04.2018 to 31.03.2019 along with damages, within a time frame as may be fixed by this Court and further directing the first respondent to prosecute the respondents 2 to 8 for having violated the provisions of the Employees Provident Fund Miscellaneous Provisions Act, 1952.



W.P(MD)No.22294 of 2019

For Petitioner : Mr.S.Arunachalam
For R1 : Mr.I.Pinayagash
For R2 to R8 : No appearance

ORDER

The petitioner, a Trade Union, registered under the Trade Unions Act, with a Registration No.3077/CNI, claims that most of its members are working in the "Combined water supply Scheme called "CWSS 674" under the control of "Tamilnadu Water Supply and Drianage Board (TWAD), Maintenance Division, Trichy-Pudukkottai Circle/the fourth respondent herein for the period from 01.04.2018 to 31.03.2019 and these employees are covered under the Employees Provident Funds and Miscellaneous Provisions Act, 1952. However, the fourth respondent has not paid any contribution towards EPF claim. Therefore, they have submitted a representation before the Regional Provident Fund Commissioner, Employees Provident Fund Organization, Trichy/ the first respondent, based on which, an enquiry was also conducted in the year 2013. Even then, no contribution has been made either by the employer or by the



W.P(MD)No.22294 of 2019

contractors. Despite knowing the same, the first respondent has not taken any steps to recover the amount from them. Therefore, they once again submitted a representation and approached this Court in the year 2019.

2.Today(19.10.2024), when this writ petition is taken up for hearing, the learned counsel appearing for the first respondent submits that they have conducted an enquiry and it was not yet concluded, due to pendency of this writ petition. He further submits that the enquiry would be concluded within a period of three months. There is no representation for the remaining respondents.

3.Recording the submission made by the learned counsel for the first respondent that they have conducted an enquiry, based on the representation of this petitioner Trade Union and the same is pending, in view of the pendency of this writ petition, this writ petition is disposed of with a direction to the first respondent to conduct an enquiry, by ascertaining whether the petitioner Trade



W.P(MD)No.22294 of 2019

union members are entitled for EPF contribution and conclude the same within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

19.10.2024
(1/2)

NCC : Yes / No.
Index : Yes / No.
Internet : Yes.
vrn



W.P(MD)No.22294 of 2019

To

WEB COPY

- 1.The Regional Provident Fund Commissioner,
Employees Provident Fund Organization,
Trichy.
- 2.The Managing Director,
Tamilnadu Water Supply and Drianage Board (TWAD),
Chepauk,
Chennai – 600 005.
- 3.The Superintending Engineer,
Tamilnadu Water Supply and Drianage Board (TWAD),
Trichy-Pudukkottai Circle,
Khaja Nagar,
Trichy – 23.
- 4.The Executive Engineer,
Maintenance Division,
Trichy-Pudukkottai Circle,
Tamilnadu Water Supply and Drianage Board (TWAD),
Khaja Nagar,
Trichy – 23.



WEB COPY



W.P(MD)No.22294 of 2019

B.PUGALENDHI, J.

vrn

Order made in
W.P(MD)No.22294 of 2019 and
WMP(MD) No.19066 of 2019

19.10.2024
(1/2)