



W.P(MD)No.12975 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.12975 of 2016

and

W.M.P.(MD)No.9773 of 2016

The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organization,
P.B.No.588, Sree Complex, D Block,
No.18, Madurai Road, Trichirapalli.

... Petitioner

Vs

1. The Presiding Officer,
Employees' Provident Fund Appellate Tribunal,
Scope Minor, Core II, 4th Floor,
Lakshminagar District Centre,
Lakhsminagar, New Delhi.

2. M/s.GhCL Ltd,
Salty Division and Refinery,
Kadinel Vayal Post,
Vedaraniyam,
Rep. Through
its Senior Manager.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the 1st respondent in A.T.A.No.916(13) 2012 dated 14.03.2013 and quash the same as



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unconstitutional and consequently direct the 2nd respondent to pay the damages as Ref No. SDC/TN/76306/CIRCLE-32/SRO-TRY/2012 dated 19.10.2012 within a time frame as fixed by this Court.

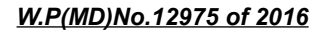
For Petitioner : Mr.Robert Chandrakumar.I.,

For Respondents : No Appearance

ORDER

The EPF authority has filed this petition as against the order passed by the appellate tribunal in A.T.A.No.916(13) 2012, dated 14.03.2013.

2.The above said appeal was filed by the second respondent as against the damages levied by the EPF Authority for the delay in payment of contribution under Section 14(B) of the EPF Act. The authority has levied a sum of Rs.5,19,109/- as damages under Section 14(B) of the Act and a sum of Rs.2,82,343/- towards the interest under Section 7(Q) of the Act. As against the portion of the damages imposed under Section 14(B) of the Act, the establishment has preferred the above appeal and the appeal was allowed by the Tribunal that there is no wilful delay on the part of the establishment. However, there is no discussion and reasonings as to whether it is wilful default or due to unavoidable



3. Though notice has been served on the second respondent and name has been printed in the cause list, none appeared for the second respondent.

5. Accordingly, this writ petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

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

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B.PUGALENDHI, J.

LR

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