



W.P(MD)No.13708 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.13708 of 2016

and

W.M.P.(MD)Nos.10202, 10203 and 10204 of 2016

M/s.OM.Agaathiesh Security Force,
Represented by its Managing Partner,
Alagarsamy,
No.14F. Railway Feeder Road,
Union Office (Opp),
Tirumangalam - 625706,
Madurai District.

... Petitioner

Vs

1. Employees Provident Fund Organization,
Rep. Through its
The Assistant Commissioner / Provident Funds,
Regional Lady Doak College Road,
Chokkikulam, Madurai 625 002.

2. The Recovery Officer,
Employees Provident Fund Organization,
Regional Office, Lady Doak College Road,
Chokkikulam, Madurai 625 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus



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calling for the records pertaining to the Impugned Order passed by the first respondent in his Proceedings in File No.MD/MDU/RO/59794/Enf.C/M-7/17003/2015, and 26.10.2015 and quash the same as illegal and violative of principles of natural justice and direct the first respondent to conduct a fresh enquiry, after furnishing the copy of the report of the Enforcement Officer dated 23.07.2015 and other relevant records before commencement of the enquiry.

For Petitioner : No Appearance

For Respondents : Mr.K.Murali Shankar

ORDER

This Writ Petition has been filed in the year 2016 as against the order passed by the EPF authority determining the dues liable to be paid by the petitioner under Section 7A (1)(b) of the Employees' Provident Fund and Miscellaneous Provisions Act.

2.The respondent EPF authority has initiated a proceedings under the Act by issuing summons to the petitioner, conducted an enquiry and found that the petitioner is liable to pay EPF contribution from January 2014 to May 2015 and arrived the contribution liable to be paid by the



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petitioner of Rs.7,05,761/-, levied penalties under Section 14B of the Act and the interest payable under Section 7Q of the Act by order dated 26.10.2015. This order was passed under Section 7A (1)(b) of the Act has been challenged in this petition.

3.This Court, while entertaining this petition, has passed an interim order of *status-quo* by order, dated 02.08.2016. Thereafter, the case was taken up only in the year 2023 and at request of the learned Counsel for the petitioner, it was adjourned to 28.07.2023 and again to 04.10.2024. Thereafter, it was listed on 19.10.2024 and on that day also, there was no representation for the petitioner. Therefore, this petition is directed to be listed under the caption 'for dismissal' today i.e., 22.10.2024. Even today, there is no representation for the petitioner.

4.The order impugned in this petition is the order passed under Section 7A (1)(b) of the Act and there is a statutory appeal remedy available to the petitioner under Section 7-I of the Act. However, without invoking the appeal remedy, this petition has been filed.

5.The petitioner has filed this petition on two grounds that the



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respondents have not provided sufficient opportunity and there is a violation of principles of natural justice and the documents placed by the petitioner were not considered.

6.Perusal of the impugned order reveals that sufficient opportunity was provided to the petitioner. The petitioner himself claims that he has filed certain documents and the same have not been considered. Therefore, this petition is also liable to be dismissed on merits.

7.Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

22.10.2024

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



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