



W.P(MD)No.18629 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.18629 of 2016

and

W.M.P.(MD)No.13483 of 2016

R.Athinarayanan

... Petitioner

Vs

**The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organisation,
Regional Office,
Lady Doak College Road,
Madurai - 625 002.**

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to defer further proceedings in the proceedings No. M7/MD/MDU/41522-D/ENF-C/2015 dated 20.08.2015 till the decision of the Hon'ble Supreme court on the similar issue.

For Petitioner : Mrs.P.Malini

**For Respondent : Mr.P.Karthick
Standing Counsel**



W.P(MD)No.18629 of 2016

ORDER

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This writ petition is filed by a contractor of TAFE Limited at Kalladipatti which is situated at Kalladipatti, Madurai, seeking Mandamus as against the respondent to defer the proceedings No. M7/MD/MDU/41522-D/ENF-C/2015, dated 20.08.2015.

2.The Assistant Provident Fund Commissioner has initiated a proceedings under Section 7-A of the EPF Act based on the report placed on him by the Enforcement Wing. The proceedings sought to be deferred is a show cause notice issued under Section 7-A of the EPF Act, calling upon the petitioner to pay his liability towards the EPF contribution.

3.The case of the petitioner is that he has participated in the enquiry and sought for an adjournment by referring the proceedings, which is pending before the Hon'ble Supreme Court in Civil Appeal No. 6221 of 2011. However, the respondent did not provide the adjournment and therefore this writ petition was filed.



W.P(MD)No.18629 of 2016

4.This petition is filed as against the statutory proceedings contemplated by the respondent. In the event if the petitioner intent to challenge the proceedings he has to do so in the manner known to law, this petition seeking Mandamus to defer a statutory proceedings is not maintainable. Moreover, the main contention of the petitioner is that the issue was pending before the Hon'ble Supreme Court in civil Appeal No. 6221 of 2011 and therefore, pending the civil appeal, he has requested for an adjournment. It is reported that the above civil appeal has already been decided by the Hon'ble Supreme Court on 28.02.2019.

5.In view of the same, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

04.10.2024

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

LR



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W.P(MD)No.18629 of 2016

B.PUGALENDHI, J.

LR

W.P(MD)No.18629 of 2016

04.10.2024