



W.P.No.3824 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.3824 of 2025

and

W.M.P.No.4234 of 2025

G4s Secure (Solutions) India Pvt. Ltd.,
Having its Registered Office at
C-16, Community Centre, Janakpuri,
New Delhi – 110 037.

and Having its Local Hub Office at
“Chamiers Towers”.
No.23 and 25, Second Floor,
Chamiers Road,
Teynampet,
Chennai – 600 018.

... Petitioner

Vs.

1. Employees Provident Fund Organisation,
Ministry of Labour & Employment,
Government of India,
Bhavishya Nidhi Bhawan,
14, Bhikaiji Cama Place,
New Delhi – 110 066.

2. Regional Provident Fund Commissioner (GR-1),
Ministry of Labour, Government of India,
Regional Office, Bhaviysha Nidhi Bhawan,
No.37, Royapettah High Road,
Chennai – 600 014.



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3. Assistant Provident Fund Commissioner,
Ministry of Labour, Government of India,
Regional Office, Bhaviysha Nidhi Bhawan,
No.37, Royapettah High Road,
Chennai – 600 014.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the 2nd respondent in the proceedings culminating in the order bearing No.TNMAS0030902000/7A/D-19/2024 dated 10.12.2024 passed by 2nd respondent in Diary No.2302/2017 for the period from 03/06 to 09/2016 made under Section 7-A of Employees Provident Fund and Miscellaneous Provisions Act, against the petitioner having PF Code No.TNMAS0030902000 and quash the same.

For Petitioner : Mr.Anand Gopalan
for M/s.P.V.Rajeswari

For Respondents : Mr.K.Venkatesan
Standing Counsel

ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Certiorari, to call for the records of the 2nd respondent in the proceedings culminating in the order bearing No.TNMAS0030902000/7A/D-19/2024 dated 10.12.2024 passed by the 2nd respondent in Diary No.2302/2017 for the period from 03/06 to 09/2016 made under Section 7-A of Employees Provident Fund and



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Miscellaneous Provisions Act, against the petitioner having PF Code

WEB CO No.TNMA0030902000 and quash the same.

2. The case of the petitioner is that, the 2nd respondent initiated proceedings u/s 7A of the Employees Provident Funds and Miscellaneous Provisions Act (in short 'the EPF Act) against the petitioner and during the pendency of the 7A proceedings, three applications were filed. The first application is in respect of furnishing the report of the Enforcement Officer in computing and determining the sum of Rs.10,63,68,840/- in terms of the pre-enquiry inspection report dated 18.08.2011, Rs.6,26,00,908/- in terms of the EO inspection report dated 09.01.2017 and Rs.6,10,30,180/- in terms of the EO report dated 01.02.2019, second application is in respect of seeking permission to cross examine Kalvikarasu the author of the pre-enquiry inspection report dated 18.08.2011, S.Venkatachalam, the author of EO inspection report dated 09.01.2017 and N.Malarvizhi, the author of the EO report dated 01.02.2019. All those prayers were not considered by the 2nd respondent. Aggrieved by the same, the petitioner filed a writ petition before this Court in W.P.No.13144 of 2024 and this Court, by its order, dated 07.08.2024, issued a direction to the 2nd respondent to dispose of



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the respective applications, within a period of two weeks. However, that order was not complied, again, without rendering any opinion in respect of the three applications filed by the petitioner, the 2nd respondent mechanically passed the impugned 7A order. Challenging the same, the petitioner Board has filed the present writ petition.

3. Learned counsel appearing for the petitioner submitted that proceedings before the 2nd respondent is a Civil Court and the procedure contemplated under the Civil Procedure Code ought to have been followed by the 2nd respondent in terms of Section 7(A)(2) of the EPF Act. Hence, the present impugned order passed by the 2nd respondent is in clear violation not only the provision of law but also the order passed by this Court. On the above said grounds, the present writ petition is filed.

4. The 2nd respondent appeared before this Court along with his counsel and the learned counsel, on instructions, submitted that, the three applications were not disposed as directed by this Court. Hence, this Court may set aside the impugned order and remand the matter to the 2nd respondent and the 2nd respondent will pass appropriate orders in terms of



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Section 7(A)(2) of the EPF Act as well as the order passed by this Court, after providing opportunity to the petitioner, within a reasonable time that may be fixed by this Court.

5. In view of the consent view expressed by the learned counsel appearing for the parties, this Court, without going into the merits of the case, is inclined to dispose of this Writ Petition in the following terms :-

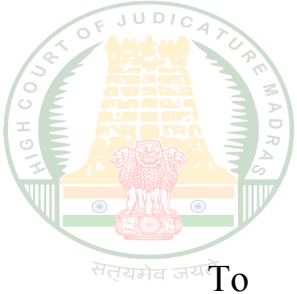
(i) the impugned order passed the 2nd respondent bearing No.TNMAS0030902000/7A/D-19/2024 dated 10.12.2024 is set aside ;

(ii) the 2nd respondent is directed to take up all the three applications filed by the petitioner and pass appropriate orders, within a period of four (4) weeks from the date of receipt of a copy of this order, after providing opportunity to the petitioner.

6. With the above directions, this Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To
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Ministry of Labour & Employment,
Government of India,
Bhavishya Nidhi Bhawan,
14, Bhikaiji Cama Place,
New Delhi – 110 066.
- 2.The Regional Provident Fund Commissioner (GR-1),
Ministry of Labour, Government of India,
Regional Office, Bhaviysha Nidhi Bhawan,
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M.DHANDAPANI, J.

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