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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.03.2025

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.11078 of 2025
and WMP.No.12490 of 2025

The Superintending Engineer,
Tiruvannamalai Electricity Distribution Circle,
TANGEDCO, Vengikkal,
Vellore Main Road,
Tiruvannamalai.

... Petitioner

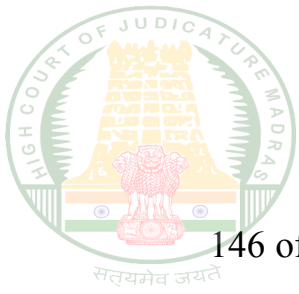
Vs.

1. The Recovery Officer/Regional Provident Fund
Commissioner – II,
Regional Office – Vellore,
S-1, Phase-III, TNHB, Sathuvachari,
Vellore- 632 009.

2. The Branch Manager,
Indian Overseas Bank,
Tiruvannamalai Branch,
S 3, Big Street, Thiruvannamalai.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus forbearing the first respondent from proceeding any further in terms of Prohibitory order dated 12.03.2025 in Proceeding No.TB/VLR/5887-A/Recovery/2025 until the appeal in EPFA



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146 of 2024 filed by the petitioner before the Central Government Industrial Tribunal cum Labour Court, Chennai is taken up for admission, direct the first respondent to revoke the prohibitory order issued to the second respondent bank.

For Petitioner : Mr.Anand Gopal
For Respondents : Mr.P.K.Panneerselvam, GPFO

ORDER

The petitioner has filed the present writ petition seeking to forbear the first respondent from proceeding any further in terms of Prohibitory order dated 12.03.2025 in Proceeding No.TB/VLR/5887-A/Recovery/2025 until the appeal in EPFA 146 of 2024 filed by the petitioner before the Central Government Industrial Tribunal cum Labour Court, Chennai is taken up for admission, direct the first respondent to revoke the prohibitory order issued to the second respondent bank.

2. The Employees Provident Fund authorities have initiated the proceedings under Section 7A of the EPF Act determining a contribution of Rs.86,57,444.60 for the period from 01/1979 to 02/2005. As against the order passed by the first respondent, the petitioner has already filed appeal before the appellate tribunal and the same is pending.

3. The learned counsel for the petitioner submitted that since the



respondent has already recover Rs,20,00,000/- and whatever the amount available in the bank account of the petitioner was recovered on 25.03.2025 and the same may be decided subject to the result of the writ petition.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

5. Considering the fact that the respondent has recover the impugned amount. However, as against the order passed by the EPF authority, the petitioner has filed appeal before the appellate Tribunal. When the appeal is pending before the concerned forum, this Court cannot decide the issued under this jurisdiction.

6. In such circumstances, considering the facts and circumstances of the case, this Court passes the following orders:

1. The appellate authority shall dispose the appeal as expeditiously as possible; and whatever the amount recovered by the respondent is subject to the result of the writ petition; and

2. The petitioner is at liberty to canvas all the points only before the Appellate Tribunal.



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Consequently, connected miscellaneous petitions are closed. No costs.

26.03.2025

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To

1. The Superintending Engineer,
Tiruvannamalai Electricity Distribution Circle,
TANGEDCO, Vengikkal,
Vellore Main Road,
Tiruvannamalai.

2. The Industrial Tribunal cum Labour Court, Chennai



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M.DHANDAPANI,J.

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26.03.2025