



WEB COPY



W.P.No.15602 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.06.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.15602 of 2025
and WMP.No.17633 of 2025

Raghu

... Petitioner

Vs.

1.The Commissioner II (C&R)

Regional Provident Fund

The Employees Provident Fund Organisation

Regional Office, Tambaram

No.3, Municipal Building

I Floor, Rajaji Salai

Tambaram, Chennai - 600 045.

2.The Recovery Officer

The Employees Provident Fund Organisation

Regional Office, Tambaram

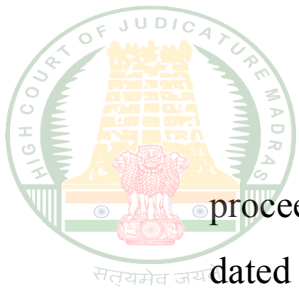
No.3, Municipal Building

I Floor, Rajaji Salai

Tambaram, Chennai - 600 045.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying to issue appropriate order or direction or a writ more particularly a writ in nature of Certiorari to call for the records and to quash the



W.P.No.15602 of 2022

proceedings in No.TN/RO/TB/TAM/CC-1/513/62419/7A proceedings/2023 dated 10.11.2023 issued by the first respondent.

WEB COPY

For Petitioner : Ms.Shaikh Mehrunnisa Kasim

For Respondents : Mr.M.Palanimuthu [R1 & R2]

ORDER

The above writ petition has been filed seeking to issue a certiorari to quash the proceedings in TN/RO/TB/TAM/CC-1/513/62419/7A proceedings/2023 dated 10.11.2023, issued by the first respondent.

2. The brief facts upon which the writ petition has been filed is that the plaintiff had started a company in the year 2009 in the name of Elite Group Security Services. The company was functioning at St.Thomas Mount, Chennai. The business of the petitioner was to supply men to work as watchman in companies, apartments, some construction areas, offices, individual houses etc., It is the case of the petitioner that for each person he provides, he is entitled to a sum of Rs.500/- per month as commission, from the principal owner, irrespective of the salary that was paid. The principal



WEB COPY

owner would pay the monthly salary + provident fund + Rs.500/- per month as commission for each workman, the petitioner provides. The monthly salary would range from minimum Rs.7,000/- to a maximum of Rs.10,000/- to Rs.12,000/- per month. The principal owner who seeks the services of workmen pays the salary along with provident fund amount and commission of Rs.500/- every month to the petitioner. Out of the amount so received, the petitioner would pay the salary to the workman, the provident fund amount to the respondents and the commission amount of Rs.500/- would be taken by him. For every amount that was paid by the principal owner, the petitioner would raise an invoice.

3. The petitioner would further submit that from the year 2017, some of the principal owners did not pay the provident fund amount, but only paid the salary, out of which, he had deducted the commission of Rs.500/- and paid the salary to the workmen. Since the PF amount was not remitted by the principal owners itself, the same could not be remitted to the respondents by the petitioner. The petitioner would submit that for non-payment of PF amount to the respondent-Corporation, he was served with a notice and was called for an enquiry. The petitioner had attended the



enquiry and explained his case and handed over all the documents and also provided the details of the principal owners who had not paid the PF amount.

4. The petitioner would submit that after an year or so, he was once again called and was informed by the officials of the respondent-Corporation that their officials had approached those companies/principal owners who had not paid the PF amount, who in turn had alleged that they have made the payment of PF amounts of their employees/workmen to the petitioner, and that the petitioner had not remitted the same to the respondents. The petitioner would cite some of the companies/principal owners where they had not even paid the salaries to the watchmen employed in their companies through his agency, and that the petitioner had paid their salaries from his pocket.

5. The grievance of the petitioner is that despite he providing the details to the respondent-Corporation, by the impugned order dated 10.11.2023, the respondents have attached the property of the petitioner, which is already encumbered for a housing loan. The petitioner has



therefore come forward to file the present writ petition to quash the said impugned order.

6. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

7. Though the writ petition has been filed for a certiorari, no valid grounds to quash the impugned order has been stated by the petitioner. Therefore, this Court is unable to decipher as to the grounds on which the impugned order is put to challenge. From the arguments and the affidavit filed in support of the writ petition, the only defense taken by the petitioner is that the principal owners had not paid him the provident fund amounts of his employees/workmen and therefore, he has not remitted the same to the respondents.

8. On a perusal of the impugned order, it is seen that the first respondent has observed as follows :

" It was submitted by Shri Raghu, Proprietor of the establishment that the establishment made remittance in



WEB COPY

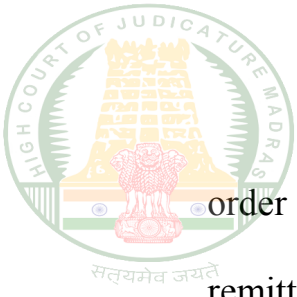


W.P.No.15602 of 2022

respect of one category of employees who are below the age of 58 years and neither deducted nor remitted the dues in r/o another category of employees whose age is over and above 58 years. The Scheme provisions were enlighten to the employer that EPF has to be remitted in r/o employees irrespective of their age unless otherwise they are excluded and exclusion cannot be claim by mere age criteria. The employer made a plight that the principal employer has not paid the EPF for those employees and hence it was not deducted and remitted which could not be accepted to. However, the employer was asked to furnish the list of principal employer with supporting documents and the same were submitted by the establishment."

The first respondent had also observed that the petitioner has not appeared for enquiry before the first respondent. The first respondent had issued summons to all the principal owners who had appeared and they have stated that the PF amounts of his employees, who have been recruited through the petitioner, were already paid to the petitioner.

9. From a reading of the above, it is made clear that the basis on which the order impugned has been challenged, is not true. A portion of the



W.P.No.15602 of 2022

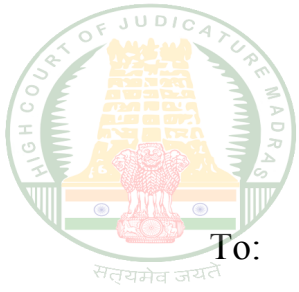
WEB COPY

order extracted supra would clearly establish that the PF amounts have been remitted by the petitioner in respect of employees who are below the age of 58 years and not in respect of the employees who are over 58 years. Therefore, the contention of the petitioner that the principal owners have not remitted the PF amount to him is totally false. Therefore, I see no reason to interfere with the impugned order passed by the first respondent, as no grounds have been made out.

10. The writ petition is accordingly dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

02.06.2025

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No
ds



W.P.No.15602 of 2022

To:

WEB COPY

- 1.The Commissioner II (C&R)
Regional Provident Fund
The Employees Provident Fund Organisation
Regional Office, Tambaram
No.3, Municipal Building
I Floor, Rajaji Salai
Tambaram, Chennai - 600 045.
- 2.The Recovery Officer
The Employees Provident Fund Organisation
Regional Office, Tambaram
No.3, Municipal Building
I Floor, Rajaji Salai
Tambaram, Chennai - 600 045.



WEB COPY



W.P.No.15602 of 2025

P.T. ASHA, J,

ds

W.P.No.15602 of 2025

02.06.2025