



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 27.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.DHANABAL

W.P.No.20179 of 2022
and WMP.No.19408 of 2022

The Commissioner,
Udumalpet Municipality
SH 17, Udumalpet,
Udumalpet - 642 126.

... Petitioner

Vs

1.Union of India,
Rep. by its Secretary,
Department of Ministry of Labour and Employment,
New Delhi.

2.Union of India,
Rep. by its Central Provident Fund Commissioner,
Employees' Provident Fund Organisation,
Bhavishya Nadhi Bhawan,
14, Bhikaji Came Place,
New Delhi.

3.The Assistant Provident Fund Commissioner
Employees' Provident Fund Organisation,
Dr.Balasundaram Road, Coimbatore.

4.The Enforcement Officer,
Employees' Provident Fund Organisation,
Dr.Balasundaram Road,
Coimbatore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India



praying to issue a Writ of Certiorari, calling for the records relating to the recovery proceedings in No.TN/CB/CBE/CC 5(24)/1557442/Proceedings/2022 dated 19.05.2022 issued by the 3rd respondent and quash the same.

For Petitioner : Mr.D.Pasupathi

For Respondent : No Appearance for R1 & R2

: Mrs.Meenakshi, Senior Counsel
for R3 & R4

ORDER

When the matter was taken up for hearing the learned counsel appearing for the respondent submitted that based on the order of this Court in W.P.No.31410 of 2019, an opportunity was given to the petitioner and they also appeared before the authority and thereafter, only the authority passed the order. However, there is an appeal remedy available to the petitioner, but without exhausting the same, they straight away approached this Court and therefore, this petition is liable to be dismissed.

2. The learned counsel appearing for the petitioner would submit that in order to identify the labourers, elaborate evidences are necessary, therefore the matter may be remanded back to the authority for fresh consideration. Since, the matter was already decided by this Court, an



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opportunity was given, and thereafter the authority passed the order. It is not appropriate to accept the contention of the learned counsel appearing for the petitioner to remand back the case. As rightly pointed out by the learned counsel appearing for the respondent, when there is an appeal remedy available to the petitioner, without exhausting the remedy, the petitioner filed this petition, therefore, this petitioner is at liberty to approach the appellate authority in accordance with law. The petitioner is entitled to the benefits under Section 14 of the Limitation Act, for the period of pendency of the writ petition.

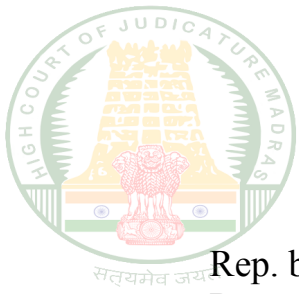
3. With the above observation, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

27.06.2025

drl

To

1.Union of India,



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New Delhi.

2.Union of India,
Rep. by its Central Provident Fund Commissioner,
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P.DHANABAL, J.,

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