



W.P No.26827 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 30.06.2025

CORAM

THE HONOURABLE MR. JUSTICE P.DHANABAL

W.P No.26827 of 2022

and

WMP.No.25890 of 2022

Puduvai Bharathiar Grama Bank,
Rep.by its General Manager,
Mr.P.Kalaivanan,
No.415, Kamaraj Salai, Saram,
Puducherry-605 013.

... Petitioner

vs.

1. The Presiding Officer,
Central Government Industrial Tribunal
Cum Labour Court,
26, Haddows Road,
Chennai-600 006.

2. The Regional Provident Fund Commissioner-II,
Employees Provident Fund Organization,
Regional Office,
No.101, 100 Feet Road, Cholan Nagar,
Olandi Keerapalayam, Puducherry-605 004.

3. The General Secretary,
Puduvai Bharathiar Grama Bank Employees Union,
No.20, Housing Board Lay Out,
3rd Cross Extension, Annai Therasa Nagar,
Moolakulam, Pudhcherry-605 010.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, calling for the records relating to the order dated 07.09.2022 made in EPFA No.42 of 2022 on the files of the first respondent and quash the same

For Petitioner : Mrs.Rita Chandrasekar
for M/s.Aiyar and Dolia

For Respondents : Tribunal -R1
: Mr.P.K.Panneer Selvam for R2
: M/s.D.Geetha for R3

ORDER

The petitioner has challenged the impugned order dated 07.09.2022 passed by the Central Government Industrial Tribunal-Cum-Labour Court, Chennai, Tamilnadu, under EPFA No.42 of 2022 on the ground that the Employees Provident Funds and Miscellaneous Provisions Act, 1952, shall not apply to the petitioner's Bank.

2. When the matter is taken up for hearing, the learned counsel appearing for the petitioner submits that the Central Government Industrial Tribunal-Cum-Labour Court, Chennai, Tamilnadu passed an order dated 07.09.2022, to deposit a sum of Rs.12,02,641.30 (35% of the amount) out of total dues of Rs.34,36,118/- before the second respondent within a period of

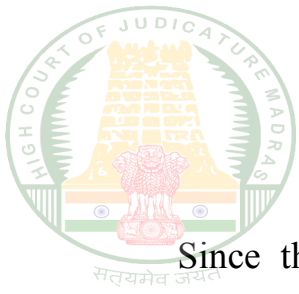


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three months, in three installments ie., Rs.4,02,641.30 as first installment and Rs.4,00,000/- in each of subsequent two installments on or before 07.12.2022. The petitioner has a good case and the Authority has passed order without considering the scheme applicable to the petitioner and thereby directing the petitioner to deposit of amount will affect the rights of petitioner. Therefore, he prayed to allow the petition.

3. The learned counsel appearing for the respondents submits that the Appellate Authority passed an order under Section 7A of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 and without depositing the amount, the petitioner has preferred an appeal. Therefore, the Appellate Authority directed the petitioner to deposit meager amount of 35% ie., Rs.12,02,641.30 and also granted time to pay the dues in three installments on or before 07.12.2022. The petitioner instead of depositing the 35% of the amount in order to evade from payment of the amount, now preferred this writ petition and hence it is liable to be dismissed.

4. A perusal of records would show that this Court granted interim stay vide order dated 30.09.2022 and the same is pending from the year 2022.



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Since the petitioner has preferred an appeal against the impugned order passed by the Authority, it is for the Appellate Authority to decide the case on merits. However, the Appellate Authority directed the petitioner to deposit 35% of due amount i.e., Rs.12,02,641.30 out of total dues of Rs.34,36,118/-. The Appellate Authority passed the reasoned order. Therefore, it is appropriate to direct the petitioner to comply the order passed by the Appellate Authority. The petitioner is directed to deposit the amount of Rs.12,02,641.30 before the second respondent, as ordered within a period of six weeks from the date of receipt of a copy of this order, till such time the interim order granted by this Court is extended. Thereafter, the Appellate Authority has to pass order on merits in accordance with law.

5. With the above directions, this Writ Petition is disposed of. 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

Vv



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