



W.P.No.31500 of 2017,  
W.P.No.32904 of 2019  
& W.P.No.8959 of 2020

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 25.02.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.Nos.31500 of 2017, 32904 of 2019  
and 8959 of 2020  
and W.M.P.Nos.34596 of 2017 and 33336 of 2019**

**W.P.No.31500 of 2017**

M/s.Anglo French Textile,  
A Unit of Pondicherry Textile Corporation Ltd.  
Government of Puducherry Undertaking  
rep. by its Managing Director,  
Mudaliarpeta, Puducherry – 605 004.

... Petitioner

**Vs.**

1. The Regional Provident Fund Commissioner  
Sub- Regional Office,  
Employee Provident Fund Organization,  
No.101, 100 Feet Road, O.K.Palayam,  
Cholan Nagar, Mudaliarpeta,  
Puducherry – 605 004.

2. The Manager,  
Pondicherry State Co-operative Bank Head Officer Branch  
Mudaliarpeta, Puducherry – 605 004.

... Respondents



W.P.No.31500 of 2017,  
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**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in his Attachment proceedings No.TN/RO/PCY/PDC/PC/20/8F/2017 dated 21.11.2017 to quash the same as illegal and further directing the first respondent to defreeze the petitioner's Bank Account with the 2<sup>nd</sup> respondent.

For Petitioner : Mr.V.Vasanthakumar  
Additional Govt.Pleader [Puducherry]

For Respondent : Mr.K.Srinivasamurthy [R1]  
Mr.Kandhan Doraisamy[R2]

**W.P.No.32904 of 2019**

M/s.Anglo French Textiles,  
Unit of Pondicherry Textile Corporation Ltd.  
rep. by its Managing Director,  
Mudaliarpeta, Puducherry – 605 004.

... Petitioner

Vs.

1. The Recovery Officer,  
Employees Provident Fund Organization  
(Ministry of Labour & Employment,  
Govt. of India)  
Regional Office, Puducherry.

2. The Branch Manager,  
The Pondicherry State Co-operative,  
Main Branch, 100 Feet Road,  
Puducherry – 605 001.

... Respondents



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**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 1<sup>st</sup> respondent in his proceedings RO/PDY/Recy-Cell/DIV-1/PC/20/CP-4/2019 dated 19.11.2019 and to quash the same and further directing the respondents to refund the amount of Rs.4,69,54,925/- withdrawn from the savings/current account of the petitioner till the disposal of the writ petition.

For Petitioner : Mr.V.Vasanthakumar  
Additional Govt.Pleader [Puducherry]

For Respondent : Mr.K.Srinivasamurthy [R1]  
Mr.Kandhan Doraisamy[R2]

### **W.P.No.8959 of 2020**

AFT Panjalai Oivu Petra Oozhiyargal Sangam,  
(Reg.No.1847/2018/RTU)  
rep. by its President,  
B.Sathyaseelan  
No.93, Dr.Ambedkar Street,  
Mudaliarpeta, Puducherry – 606 004.

... Petitioner

Vs.

1. Union Territory of Puducherry,  
Rep.by Chief Secretary,  
Chief Secretariat,  
Puducherry – 605 001.



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2. The Secretary to Government,  
Labour and Employment Department,  
Chief Secretariat,  
Puducherry – 605 001.
3. The Labour Commissioner,  
Labour Department Complex (II Floor),  
Gandhi Nagar,  
Puducherry – 605 009.
4. The Commissioner,  
Employees Provident Fund Organization  
Regional Office, 101, 100 Feet Road,  
Cholan Nagar, Mudaliarpet,  
Puducherry – 605 004.
5. M/s.Anglo French Textiles,  
rep. by the Managing Director  
(unit of Pondicherry Textile Corporation Ltd.)  
Cuddalore Road,  
Mudaliarpet, Puducherry – 605 004. ... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents herein to forthwith settle the retirement benefits of the members of the petitioners such as unpaid Employees' Provident Fund dues i.e., Provident Fund Contribution including Management Contributions, interest, penal



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damages etc., Encashment of Earned Leave; Retirement Benefit Fund of Rs.25000/-, arrears of pay and allowances for July and August 2012 and for the period from 01.01.2013 to 04.11.2013 and Thrift Fund from 01.01.1999 to 31.12.2013 with 10% interest per annum for the delayed payment, all within a limited time frame.

For Petitioner : Mr.M.Ravi

For Respondent : Mr.V.Vasanthakumar  
Additional Govt. Pleader [Puducherry]  
for RR1,2,3 & 5  
Mr.K.Srinivasamurthy for R4

### COMMON ORDER

The issue involved in these three writ petitions are inter-connected and therefore, they are disposed of by way of this common order.

2. W.P.Nos.31500 of 2017 and 32904 of 2019 are filed by M/s.Anglo French Textiles, Government of Puducherry Undertaking. In W.P.No.31500 of 2017, the order passed by the Regional Provident Fund



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Commissioner, Puducherry, was under challenge, directing the Pondicherry State Co-operative Bank, Puducherry, to pay a sum of Rs.93,26,070/- to the credit of the Regional Provident Fund Commissioner, Puducherry, on behalf of M/s.Anglo French Textiles, Puducherry. In W.P.No.32904 of 2019, the order passed by the Recovery Officer, Employees Provident Fund Organisation, Regional Office, Puducherry, dated 19.11.2019 is under challenge, whereby, the Pondicherry State Co-operative Bank, Puducherry, was directed to pay/divert/transfer the amount outstanding to the credit of savings account/current account of the Establishment in favour of the Regional Provident Fund Commissioner.

3. W.P.No.8959 of 2020 is filed by AFT Panjalai Oivu Petra Oozhiyargal Sangam/Union on behalf of the retired employees of M/s.Anglo French Textiles, Puducherry,/petitioner in other two writ petitions, namely, W.P.Nos.31500 of 2017 and 32094 of 2019.



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4. M/s.Anglo French Textiles/petitioner in W.P.Nos.31500 of 2017 and 32904 of 2019 was originally a Private Company and it was engaged in spinning, sizing and weaving etc., The Company was established in the year 1898 and it was going smoothly till 1980. As such in 1983, the Company hit a role patch and it was closed during 1986. Later, the Company was taken over by the Pondicherry Textile Corporation Limited, a Government Undertaking. Initially, the Company was making profit and later due to natural calamities of cyclone, the Company was incurring loss and therefore, there was a delay in payment of PF Contribution by the Company for the period between December 2013 to July 2016. Likewise, the Company could not honour its commitments towards gratuity and other terminal benefits to the employees who had left the Company. It is further submitted that because of various writ petitions filed by the employees, the Company made a plea to the Government of Puducherry and accordingly, the budgetary allocation was made to the tune of Rs.45,11,44,841/- for



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settlement of gratuity dues of all the retired employees. According to the Company, a sum of Rs.39,43,30,904/- was paid towards gratuity for the retired employees. The remaining amount of Rs.5,68,13,937/- was yet to be withdrawn by the beneficiaries for the reasons like the death of employee etc., While so, the Recovery Officer, Employees Provident Fund Organization, Regional Office, Puducherry, has passed the impugned order directing the Pondicherry State Co-operative Bank, Puducherry, to pay/divert/transfer the amount standing to the credit of the savings account/current account of the Establishment in favour of the Regional Provident Fund Commissioner.

5. Similarly, towards failure to make payment of Provident Fund contributions for the period between December 2013 to July 2016, the Regional Provident Fund Commissioner, Puducherry, in W.P.No.31500 of 2017, had passed an order directing the Pondicherry State Co-operative Bank, Puducherry, to pay a sum of Rs.93,26,070/- to the credit



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of the Regional Provident Fund Commissioner, Regional Office,  
Puducherry.

6. Heard the learned counsel appearing on both sides and perused the materials available on record.

7. Though the learned counsel appearing for M/s.Anglo French Textile/petitioner in W.P.Nos.31500 of 2017 and 32904 of 2019 submitted that the delay was not wanton and only because of natural calamities like cyclone, the Company went into loss and it can never recover from the same, this Court is not inclined to accept any of the submissions made. The petitioner is the Government of Puducherry Undertaking. It is not a private Company. When the Government of Puducherry Undertaking had made budgetary allocation for payment of gratuity for certain employees, the same benefit could have been easily extended to the other employees for paying the gratuity and also making the provident fund contributions from the side of the Company.



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8. The gratuity is not like bonus. The gratuity is an amount earned by the employees, but the contributions that they have made are throughout their entire career. An employer is bound to pay gratuity without failure, that too, within a period of 30 days from the date of an employee whether resigned or relinquished or voluntary retirement. Therefore, this Court is not inclined to accept the averments made in the affidavit filed in support of the writ petitions or find favour with the arguments advanced by the learned counsel appearing for the petitioner. The orders passed by the Regional Provident Fund Commissioner, Sub-Regional Office, Puducherry and the Recovery Officer, Employees Provident Fund Organization, Puducherry, in W.P.Nos.31500 of 2017 and 32904 of 2019 are perfectly in order and do not warrant any interference by this Court. Therefore, the writ petition Nos.31500 of 2017 and 32094 of 2019 fail and the same are dismissed.

9. W.P.No.8959 of 2020 is filed by the retired employees of Anglo French Textiles/petitioner in W.P.Nos.31500 of 2017 and 32904 of 2019.



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10. The prayer in W.P.No.8959 of 2020 is to direct the respondents therein to dispose the terminal benefits of the members of the union, such as, unpaid employees' provident funds, namely, the Provident Fund Contributions, including the Management Contributions, interest by way of wages, encashment and like, for the period mentioned therein.

11. The employer of the members of the petitioner Union is none other than the writ petitioner in W.P.No.31500 of 2017 and 32904 of 2019. Admittedly, it is an Government of Puducherry Undertaking. It is to be noted that the erstwhile employees of the Government Undertaking were made to run from pillar to post to get their rightful dues. As rightly pointed out by the learned counsel appearing for the petitioner in W.P.No.8959 of 2020, the terminal benefits like the gratuity should be settled within 30 days from the date of an employee who is relieved. The members of the petitioner Sangam are fighting their retirement benefits for more than a decade.



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12. Therefore, W.P.No.8959 of 2020 is disposed of by directing the respondents 1 to 5 therein to settle the retirement benefits of the members of the Union as per their entitlement within a period of 12 weeks from the date of receipt of a copy of this order, failure to disburse the retirement benefits of the members of the petitioner's Sangam, within the said period of 12 weeks would attract an interest at the rate of 10% per annum from the date of entitlement of the said amounts by the members of the Sangam till the date of payment. There shall be no order as to costs.

**25.02.2025**

NCC: Yes / No  
Index : Yes / No  
Speaking Order : Yes / No

ssb



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To

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Sub- Regional Office,  
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No.101, 100 Feet Road, O.K.Palayam,  
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Puducherry – 605 004.
2. The Manager,  
Pondicherry State Co-operative,  
Bank Head Officer Branch  
Mudaliarpet, Puducherry – 605 004.
3. The Recovery Officer,  
Employees Provident Fund Organization  
(Ministry of Labour & Employment,  
Govt. of India)  
Regional Office, Puducherry.
4. The Branch Manager,  
The Pondicherry State Co-operative,  
Main Branch, 100 Feet Road,  
Puducherry – 605 001.
5. Union Territory of Puducherry,  
Rep.by Chief Secretary,  
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Puducherry – 605 001.
6. The Secretary to Government,  
Labour and Employment Department,  
Chief Secretariat, Puducherry – 605 001.



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**M.DHANDAPANI, J.**

ssb

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