



W.P.(MD)No.4019 of 2025
and W.M.P.(MD)No.2894 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

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M/s.A.Thalaimuthu Fire Works,
Represented by its Partner,
T.Murugesan,
S.No.16/3B, 163C, 16/3D, 16/4,
Vachakkarapatti Village,
Virudhunagar – 626 204.

... Petitioner

Vs.

- 1.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
District Office, Akm Complex,
Old Virudhunagar Road,
Sivakasi - 626 189.
- 2.The Enforcement Officer, M-10, Division,
Employees Provident Fund Organization,
District Office,
Sivakasi.



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3.The Branch Manager,
Tamilnadu Mercantile Bank Limited,
Suviseshamuthu Vathyar Street,
Sivakasi.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records in the impugned order dated 12.11.2024 in MD/MDU/Do/SVKS/3196927/M-10(IB)/8F (TMB)/2024 issued by the 1st respondent and quash the same as illegal and consequently, forbear the respondents 1 and 2 from continuing the recovery proceeding under Section 8 F of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 pending disposal of the EPFA No.227 of 2024, on the file of CGIT cum Labour Court, Chennai.

For Petitioner : Mr.G.Arunachalam

For Respondents : Mr.R.Ravikumar

ORDER

This matter earlier came up for consideration before this Court on



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17.02.2025 and this Court, having taken note of the fact that the appeal filed by the petitioner under Section 7(I) of “the Employees' Provident Funds and Miscellaneous Provisions Act, 1952” (hereinafter referred to as “the Act 1952”), against an order passed under Section 7-A of the Act, 1952, is pending for consideration before the Appellate Tribunal and there was no Presiding Officer manning the said Tribunal and as such, the same was not taken up for consideration, granted interim stay subject to the condition that the petitioner depositing an amount of Rs.10 lakhs with the first respondent. Accordingly, it is reported that the petitioner has already deposited an amount of Rs.10 lakhs before the first respondent.

2. Admittedly, the appeal filed by the petitioner is pending before the appellate Tribunal along with an application to waive the deposit as required under Section 7(O) of the Act 1952 and the stay application. As the right of appeal is available to the petitioner and the petitioner has already availed such remedy, but the same has become ineffective for want of availability of the Presiding Officer, this Court is of the considered view that it would be



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appropriate to dispose of the Writ Petition restraining the respondents from taking any coercive steps against the petitioner, taking into consideration the fact that the deposit of Rs.10 lakhs already made by the petitioner, pending disposal of the waiver/stay application filed by the petitioner in the said appeal vide E.P.F.A.No.227 of 2024.

3. In the light of the above, this Writ Petition is disposed of, directing the respondents not to take any coercive steps pursuant to the impugned order dated 12.11.2024, pending disposal of the waiver/stay application filed by the petitioner before the appellate Tribunal in E.P.F.A.No.227 of 2024 and the operation of the impugned order herein shall remain stayed. The respondents are at liberty to take further action depending upon the result of waiver/stay application filed by the petitioner in E.P.F.A.No.227 of 2024. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Neutral Citation: Yes / No
Index : Yes / No

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