



W.P.(MD)No.5845 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.5845 of 2025
and W.M.P.(MD)Nos.4247 & 4248 of 2025

P.Chandrakala

... Petitioner

Vs.

- 1.The Regional Provident Fund Commissioner – II,
Employee Provident Fund Organization,
Regional Office,
Lady Doak College,
Chokkikulam,
Madurai.
- 2.The Assistant Provident Fund Commissioner,
Employee Provident Fund Organization,
Regional Office,
Lady Doak College,
Chokkikulam,
Madurai.
- 3.The Enforcement Officer,
Employee Provident Fund Organization,



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WEB COPY Regional Office, Lady Doak College,
Chokkikulam, Madurai.

4.The Branch Manager,
Union Bank of India,
Ramanathapuram 623 501.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to the impugned order dated 10.02.2025 in No. TN/RO/MD/MDU/1656209/ENF-C/M-5/8F/2025 issued by the 2nd respondent read along with the impugned communication dated 18.02.2025 of the 4th respondent and quash the same as illegal.

For Petitioner : Mr.R.Prasanna Vinoth
For Respondents : Mr.P.Karthick for R1 to R3
Mr.C.Karthick for R4

ORDER

This is a case where the respondent No.2, having already passed an order under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952” (hereinafter referred to as “the Act 1952”) and after the



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petitioner paid the entire dues under the order passed under Section 7A of the Act 1952 dated 20.01.2021, initiated proceedings under Section 7C of the Act 1952 and passed an order dated 10.02.2025. Aggrieved by the said order dated 10.02.2025, the petitioner has already filed an appeal before the Central Government Industrial Tribunal within time and the said appeal was already numbered as E.P.F.A.No.46 of 2025 and no adjudication took place for want of availability of the Presiding Officer to man the said Tribunal. While the said appeal is pending, the 4th respondent initiated steps to recover the amounts and accordingly issued a notice under Section 8F dated 18.02.2025 requiring the petitioner to pay the amounts due and threatening to take coercive steps. It is aggrieved by the said order dated 18.02.2025, the petitioner has filed the present Writ Petition.

2. This Court, having taken note of the said circumstances, by the order dated 12.03.2025, passed the following order:

“As the appeal said to have been filed against the order passed under Section 7C of the Employees' Provident Funds and



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WEB COPY *Miscellaneous Provisions Act, 1952 is pending before the Employees Provident Fund Tribunal, Chennai, in E.P.F.A.No.46 of 2025 and the hearing of the said appeal is scheduled on 19.03.2025, the action of the respondents in initiating proceedings under Section 8F of the said Act prima facie appears to be arbitrary. In the circumstances, there shall be an order interim stay, as prayed for, for a Period of three weeks.*

*2. List the matter on **24.03.2025** in the admission list.”*

3. Today, when the matter is taken up for consideration, it is brought to the notice of this Court that though the appeal was scheduled for hearing on 19.03.2025, the same could not be taken up for want of Presiding Officer.

4. Taking into consideration of the above said circumstances and the willingness expressed by the learned counsel for the petitioner that the petitioner will deposit 25% of the amount covered by the order dated 10.02.2025, subject to the result of the appeal pending before the Central Government Industrial Tribunal, this Writ Petition is disposed of directing the petitioner to deposit 25% of the amount due under the order dated 10.02.2025 within six weeks from today



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and subject to the petitioner complying with the said condition, the order dated 10.02.2025 shall stand stayed till disposal of the stay application filed in E.P.F.A.No.46 of 2025. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

24.03.2025

Neutral Citation: Yes / No
Index : Yes / No
vsm

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MUMMINENI SUDHEER KUMAR, J.

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