



W.P.(MD) No.6740 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.6740 of 2025
and
W.M.P.(MD) No.4991 of 2025

Little Angel's English
Higher Secondary School
No.97-C, Krishna Gardens
Vanjiamman Kovil Street
Karur 639 001
rep.by its Correspondent
N.Maniraj

... Petitioner

-vs-

The Regional P.F.Commissioner-II
Employees Organization
Regional Office
P.B.No.588, Sree Complex 'D' Block
No.18, Madurai Road
Trichy-620 008

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records relating to the impugned order issued by the respondent in No.CB/TRY/27920/14B/524/2024-25, dated



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19.09.2024 (for interest) and the subsequent impugned order in No.PDC/CB/TRY/27920/7Q/524/2024-2025, dated 19.09.2024 and to quash the same.

For Petitioner : Mr.G.Sankaran, Senior Counsel
assisted by Mr.S.Nedunchezhiyan

For Respondent : Mr.I.Pinaygash

ORDER

This writ petition has been filed by the petitioner – Establishment seeking a writ of certiorari to call for the records pertaining to the order bearing No.CB/TRY/27920/14B/524/2024-25 dated 19.09.2024 and the order bearing No.PDC/CB/TRY/27920/7Q/524/2024-2025, dated 19.09.2024, passed by the respondent and to quash the same.

2. Insofar as the impugned proceedings dated 19.09.2024 claiming an amount of Rs.19,49,467/- towards interest under Section 7Q of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (in short, "the Act, 1952") is concerned, Mr.G.Sankaran, learned Senior Counsel appearing for the petitioner submitted that the petitioner being a School is not in a position to pay the entire amount at a time as the financial resources of



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the petitioner is not permitting them in paying such a huge amount in lump sum and further submitted that the petitioner is ready and willing to pay the said amount in twenty four equal monthly installments.

3. However, Mr.I.Pinaygash, learned counsel appearing for the respondent, opposed granting of twenty four equal monthly installments as the amounts due since more than a year.

4. However, this Court, having considered the submissions of the learned Senior Counsel appearing for the petitioner that the petitioner is willing to pay the amounts due, is of the view that, in order to ensure that the amounts due shall be paid by the petitioner, it would be appropriate to grant reasonable installments to the petitioner.

5. Accordingly, the petitioner is permitted to pay the entire amounts due of Rs.19,49,467/- in eighteen (18) equal monthly installments, commencing from 15.04.2025. In case, if the petitioner commits any default in payment of the installments for two consecutive months, the respondent is at liberty to take all necessary steps for recovery of the entire amount due from the petitioner towards interest, in accordance with law.



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6. Insofar as the impugned proceedings dated 19.09.2024 levying damages of Rs.39,65,005/- is concerned, the main grievance of the petitioner is that the petitioner was not afforded reasonable opportunity of personal hearing in physical mode, thereby the petitioner is deprived of bringing various aspects to the notice to the respondent. It is also further contended that the opportunity of virtual hearing provided to the petitioner is not effective and there were continuous interruptions and therefore, the petitioner is deprived of submitting its case before the respondent.

7. On the other hand, Mr.I.Pinaygash, learned counsel appearing for the respondent, submitted that the representative of the petitioner has admitted the liability and agreed to remit the dues during the course of hearing on 14.08.2024 and in the light of the same, the impugned order came to be passed. Thus, it cannot be said that the petitioner was not afforded sufficient opportunities.

8. This Court has carefully considered the rival submissions and perused the materials available on record.



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9. Though a copy of the daily order dated 14.08.2024 is placed before this Court by the learned counsel appearing for the respondent to contend that the representative of the petitioner has admitted the liability and agreed to remit the amounts due, a perusal of the impugned order dated 19.09.2024 does not make any reference to the said daily order. On the other hand, the impugned order only makes a reference to the matter being adjourned to 14.08.2024. But, again thereafter, instead of considering the proceedings that took place from 14.08.2024, the respondent has gone back to the hearing that took place on 12.07.2024 and proceeded to pass the impugned order levying damages under Section 14B of the Act, 1952. In the absence of any reference to the so-called daily order dated 14.08.2024 in the impugned order dated 19.09.2024 and the failure to make any reference to the submissions made on behalf of the petitioner on 14.08.2024 and thereafter, the same would apparently disclose non-application of mind on the part of the respondent herein. Further, considering the specific contention that the petitioner requested for physical hearing and admittedly, no such opportunity was provided to the petitioner, this Court deems it appropriate to remand the matter back for reconsideration by the respondent by duly affording a proper opportunity of hearing to the petitioner.



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10. In the light of the above, the impugned order, dated 19.09.2024, passed by the respondent, levying damages under Section 14B of the Act, 1952, is quashed and the matter is remanded back to the respondent for fresh consideration, on merits, by duly affording an opportunity of personal hearing to the petitioner and for passing orders in accordance with law.

11. To avoid any further delay, the representative of the petitioner - Establishment is directed to appear before the respondent on 07.04.2025 at 10.30 a.m., for enquiry.

12. The respondent is also further directed to conclude the proceedings as expeditiously as possible.

13. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes / No

Index : Yes / No

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