



W.P.(MD) No.8497 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.8497 of 2025
and
W.M.P.(MD) No.6342 of 2025

M/s.Kamarajar Matriculation School
represented by its Secretary
R.Vayanaperumal
124, Ward No.15, Vadakkoor
Nadar Street, Mudukulathur
Ramanathapuram-623 704

... Petitioner

-VS-

- 1.The Assistant Provident Fund
Commissioner
Employees' Provident Fund
Organization
Regional Office
No.1, LDC Road
Chokkikulam
Madurai-625 002
- 2.The Enforcement Officer
Employees' Provident Fund
Organization
District Office
Ramanathapuram



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3.The Branch Manager
Tamilnadu Mercantile Bank Ltd.,
Mudhukulathur Branch
Mudhukulathur

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records in the impugned order dated 14.08.2024 in MD/MDU/RO/Recy/59424/8F/M-5/2024, issued by the first respondent and quash the same as illegal and consequently forbear the respondents 1 and 2 from continuing the recovery proceeding under Section 8F of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, pending disposal of the EPFA No.4 of 2025, on the file of the CGIT-cum-Labour Court, Chennai.

For Petitioner : Mr.G.Arunachalam

For Respondents : Mr.P.Karthick for R1 & R2

ORDER

Heard Mr.G.Arunachalam, learned counsel for the petitioner and Mr.P.Karthick, learned counsel appearing for the respondents 1 & 2.



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2. This writ petition has been filed by the petitioner – Institution aggrieved by the proceedings bearing No.MD/MDU/RO/Recy/59424/8F/M-5/2024, dated 14.08.2024, issued by the first respondent, under Section 8F of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 (in short, “the Act, 1952”) proposing to recover an amount of Rs.14,20,970/- being an amount due under an order, dated 11.03.2024, passed by the first respondent, under Section 7A of the Act, 1952.

3. By virtue of the impugned order, the bank account maintained by the petitioner with the third respondent – Bank is attached.

4. According to the learned counsel for the petitioner, the petitioner has already filed an appeal before the learned Appellate Tribunal under Section 7-I of the Act, 1952, against the order dated 11.03.2024 passed under Section 7A of the Act, 1952 and the said appeal is already numbered as EPFA No.4 of 2025. It is further submitted that the petitioner has also sought for waiver of the deposit amount as required under Section 7-O of the Act, 1952, along with stay application. But, neither of the applications could be taken up for consideration by the learned Appellate Tribunal for want of



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availability of the Presiding Officer manning the Appellate Tribunal. Thus, it is contended that the petitioner is deprived of the remedy of appeal and seeking waiver of the deposit amount and stay of the operation of the order dated 11.03.2024. While the said appeal pending, the respondent – Employees Provident Fund Organisation initiated coercive steps for recovery of the amount due under the order dated 11.03.2024. Hence, the petitioner has approached this Court by filing the present writ petition.

5. This matter earlier came up for consideration on 27.03.2025 and the same was adjourned to enable Mr.P.Karthick, learned counsel appearing for the respondents 1 & 2, to get instructions in this matter.

6. Today, when the matter is taken up for consideration, both the parties have agreed that this writ petition can be disposed of subject to a condition that the petitioner depositing 50% of the amount due under the order dated 11.03.2024 before the respondents 1 & 2 pending disposal of the appeal in EPFA No.4 of 2025 filed by the petitioner and subject to the result of the said appeal.



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7. In the light of the above, this writ petition is disposed of with the consent of the parties duly quashing the impugned proceedings dated 14.08.2024, issued by the first respondent, subject to the condition that the petitioner depositing 50% of the amount covered by the order dated 11.03.2024, before the respondents 1 & 2, within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the respondents 1 & 2 shall not take any coercive steps against the petitioner till the disposal of the appeal filed by the petitioner in EPFA No.4 of 2025. No costs. Consequently, connected miscellaneous petition is closed.

03.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:
The Presiding Officer,
Central Government
Industrial Tribunal-cum-
Labour Court,
Chennai.



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MUMMINENI SUDHEER KUMAR, J.

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