



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.17187 of 2025

and

W.M.P(MD)Nos.13049 &13052 of 2025

The District Science Officer,
District Science Centre,
Ministry of Culture,
Government of India,
Rep. by Deputy Controller of Administration,
Visvesvaraya Industrial and Technological Museum(VITM),
Kokkirakulam, Tirunelveli - 627 009. ...Petitioner

Vs

1.Employees' Provident Fund Organisation,
Regional Office,
65A, Water Tank Road,
Nagercoil - 629 001.

2.M/s.Adems,
Represented by its Proprietor,
C.Solomon Jayaraj

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a **Writ of Certiorarified Mandamus**, to call for the records pertaining to the impugned notice issued by the first respondent in MD/NKL/46003/C-32/PDC/8F/2025, dated 26.03.2025 and quash the same and consequently restrain the first respondent from demanding any dues from the petitioner which is due from the second respondent.



WEB COPY



For Petitioner : Mr.J.Alaguraam Jothi
For Respondents : Mr.Mahaboob Athiff
Standing Counsel for R1
No appearance for R2

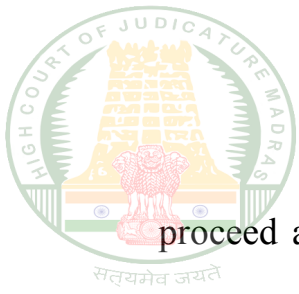
* * * * *

ORDER

This Writ Petition has been filed challenging the notice issued under Section 8F(3)(vi) of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

2.According to the learned Counsel appearing for the Writ Petitioner, the second respondent was engaged by them for supplying manpower for the period between 01.03.2012 and February 2015, and the entire accounts were settled on 28.02.2015. As on the date of the receipt of the impugned notice, no amount of the second respondent was pending with the petitioner. Therefore, notice ought not to have been issued by the first respondent.

3.The learned Standing Counsel appearing for the first respondent has submitted that, this is only a notice under Section 8F(3)(vi) of the Act. If the petitioner has retained any amount of the second respondent, he is duty bound to pay the same to the first respondent. In case, the petitioner does not owe any amount to the second respondent, it is for them to place it on record to inform the first respondent with all the relevant records. In such an event, they would



proceed as against the second respondent. According to him, the petitioner is expected to give a statement on oath that they did not owe any amount to the second respondent. On such affidavit, they would proceed as against the second respondent.

4. In view of the submission made by the learned Standing Counsel appearing for the first respondent, the petitioner herein is directed to file an affidavit on oath to the first respondent indicating the fact that as on the date of receipt of the impugned notice that they did not owe any amount to the second respondent. On receipt of the said affidavit, the first respondent shall proceed in accordance with law.

5. With the above said observations, this Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition are also closed.

07.08.2025

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



WEB COPY



R.VIJAYAKUMAR, J.

RJR

To

The Employees' Provident Fund Organisation,
Regional Office,
65A, Water Tank Road,
Nagercoil - 629 001.

W.P.(MD)No.17187 of 2025
and
W.M.P(MD)Nos.13049 &13052 of 2025

07.08.2025