



W.P.(MD) No.5229 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

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M/s.Hari Sree Matriculation
Higher Secondary School
rep.by its Correspondent
T.K.Madhavan
Thiruvattar
Aruvikkarai Post
Kanyakumari District

... Petitioner

-VS-

The Assistant Provident Fund Commissioner
Employees' Provident Fund Organisation
Sub Regional Office:
66, Water Tank Road
Nagercoil, Kanyakumari District

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondent herein to permit the petitioner to pay the amount of Rs.5,69,873/- as damages with interest caused for the belated remittance of Employees Provident Fund contribution of his school for the period from 06/2007 to 07/2016 in 20 instalments by deducting the amount of Rs.50,000/-, which was already paid on the basis of his



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representation made before him by R.P.A.D. dated 29.08.2017 and 12.12.2017 respectively.

For Petitioner : Mr.B.Brijesh Kishore

For Respondents : Mr.M.Mahaboob Athiff
Standing Counsel

ORDER

This writ petition has been filed by the petitioner seeking a writ of mandamus directing the respondent to permit him to pay damages caused on account of belated remittance of provident fund dues along with interest to the tune of Rs.5,69,873/- in instalments, after deducting the amount of Rs.50,000/- which was already paid by him.

2. The above request made by the petitioner before the respondent by submitting a representation dated 19.07.2017 was responded by the respondent – Organisation by letter dated 16.08.2017 requiring the petitioner to submit certain documents for considering his request and to grant instalment facility for payment of the damages amount.

3. In response to the same, the petitioner appears to have submitted a letter dated 28.08.2017 and thereafter, the respondent –



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Organisation issued another proceedings dated 26.09.2017, wherein it is stated as under:

“With reference to your letter cited above, you are hereby informed that grant of installment facility is subject to unconditional acceptance of the conditions communicated to you. You may communicate your consent for the same within 7 days of receipt of this letter, failing which the request will be summarily rejected and recovery action will be taken forthwith to recover the dues without further notice. In order to verify the financial conditions of the establishment, you are requested to submit the financial statement of the establishment for the last 3 years.”

4. However, thereafter, no further action has been taken either by the petitioner or by the respondent – Organisation, thereby the damages amount payable by the petitioner to the respondent – Organisation remained unpaid.

5. In the light of the above, it would be appropriate to allow the respondent – Organisation to take appropriate decision in this matter either to grant or not to grant instalment facility to the petitioner for payment of the damages amount.



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6. As the respondent – Organisation has required the petitioner to give his unconditional acceptance of the conditions already communicated to the petitioner and the petitioner is ready to give his unconditional acceptance, this writ petition is disposed of by directing the petitioner to give response to the proceedings of the respondent – Organisation, dated 26.09.2017 within a period of three weeks from the date of receipt of a copy of this order and on such response by the petitioner, the respondent – Organisation shall consider the same and pass appropriate orders thereon, within a period of four weeks from the date of receipt of response from the petitioner.

7. Accordingly, this writ petition is disposed of. No costs.

07.02.2025

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

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MUMMINENI SUDHEER KUMAR, J.

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