



W.P.(MD)Nos.15038 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.15038 of 2018
and W.M.P.(MD)Nos.13587 and 13588 of 2018

A 2957 Koovanoothu Primary Agricultural
Cooperative Credit Society Ltd.,
Represented through its Secretary,
Koovanoothu,
Nilakottai Taluk – 624 206,
Dindigul District.

... Petitioner

Vs.

1.The Assistant Provident Fund Commissioner,
Employees Provident Fund Commissioner,
Regional Office, Lady Doak College Road,
Chokkikulam, Madurai - 625 002.

2.The Recovery Officer,
O/o. the Recovery Officer,
Employees Provident Fund Commissioner,
Regional Office, Lady Doak College Road,
Chokkikulam, Madurai - 625 002.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to serve the original orders referred in the Jupthi notices RRC No.MDMDU16685/0024345/02/04/2018/503 / 35 dated 10.05.2018 and RRC No. MDMDU16684/002345 /02/04/2018/ 503/35 dated 10.05.2018.

For Petitioner : Mr.V.O.S.Kalaiselvam

For Respondents : Mr.A.John Xavier for R1

No Appearance for R2

ORDER

This Writ Petition has been filed aggrieved by the impugned recovery proceedings dated 10.05.2018 initiated pursuant to the orders issued in proceeding No.TN/RO/MDU/24345/M-01/PDC/14-B/2018, dated 29.01.2018 and another proceeding No.TN/RO/MDU/24345/M-01/PDC/14-B/2018, dated 29.01.2018 for Rs.1,46,755/- and Rs.18,395/- respectively on the ground that the respondents authorities, without serving copy of the said proceedings dated 29.01.2018, have initiated the recovery proceedings thereby depriving the petitioner for availing the appeal remedy under the statute. This Court, while



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entertaining the Writ Petition, has granted interim stay of the recovery proceedings.

2. Today, when the matter is taken up for consideration, it is brought to the notice of this Court by the learned counsel for the petitioner that the petitioner has already availed the remedy of appeal against the order issued in proceeding No.TN/RO/MDU/24345/M-01/PDC/14-B/2018, dated 29.01.2018, which covers the period from September 2015, October 2015 and July 2017 and an interim order was already passed by the learned appellate Tribunal. Insofar as the other proceeding bearing No.TN/RO/MDU/24345/M-01/PDC/14-B/2018, proposing for recovery of Rs.1,46,755/- dated 29.01.2018 is concerned, a copy of the said order is served on the learned counsel for the petitioner today by Mr.A.John Xavier, the learned counsel appearing for the first respondent and the said order was not served on the petitioner previously. In the light of the above, the petitioner is entitled to avail the remedy of appeal as provided under the Statute against the said proceeding No.TN/RO/MDU/24345/M-01/PDC/14-B/2018, dated 29.01.2018, within a period of 60 days.



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3. In the light of the above, this Writ Petition is disposed of granting liberty to the petitioner to file an appeal against the proceeding No.TN/RO/MDU/24345/M-01/PDC/14-B/2018, dated 29.01.2018, within a period of 60 days from today. Interim stay insofar as the recovery proceeding pursuant to a proceeding No.TN/RO/MDU/24345/M-01/PDC/14-B/2018, dated 29.01.2018 alone shall continue for a period of 60 days from today. It is open for the petitioner to make a separate application seeking interim stay while filing the appeal. The learned Tribunal is at liberty to proceed with the same in accordance with law on the merits of the case.

4. Accordingly, this Writ Petition is disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Neutral Citation: Yes / No
Index : Yes / No

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