



**W.P.(MD)Nos.22619 of 2018**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 13.02.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**W.P.(MD)No.22619 of 2018**  
**and W.M.P.(MD)Nos.20503 of 2018 & 15572 of 2019**

Indian Missionary Society,  
11-B, Trivandrum Road,  
Tirunelveli 627 002.  
Rep by its General Secretary,  
J.Kingsly John Stephen.

... Petitioner

Vs.

Regional Provident Fund Commissioner-I,  
Regional Office,  
Employees Provident Fund Organisation,  
Bhavishya Nidhi Bhavan,  
N.G.O. Colony, Tirunelveli-627 007.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order No. CBE/TNY/PDC(1) 1671822/2018 dated 27.09.18 under Section 8F of The



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Employees' Provident Fund and Miscellaneous Provisions Act, 1952 passed by the respondent.

For Petitioner : Mr.M.Jerin Mathew

For Respondent : Mr.K.Muralisankar,  
Standing Counsel

### **ORDER**

This writ petition has been filed aggrieved by the proceedings bearing No. CBE/TNY/PDC(1) 1671822/2018 dated 27.09.18, whereby, the respondent herein required the Manager, State Bank of India, Palayamkottai to remit the amount of Rs.83,37,742/- being the amount due and payable by the petitioner towards provident fund damages/interest under Section 8F of Employees' Provident Fund and Miscellaneous Provisions Act, 1952.

2. Though this Court by an order dated 12.11.2018 has been pleased to



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grant interim stay to the extent of damages and directed the petitioner to remit the interest amount due, it appears that the entire amount under the impugned proceeding was already recovered by the respondent from the petitioner. The said amount of Rs.83,37,742/- is inclusive of the damages and interest. As it is brought to the notice of this Court that the petitioner has already filed an appeal before the learned appellate Tribunal against the proceedings dated 20.07.2018 whereby, the writ petitioner was required to pay damages and the said appeal is pending, this Court is of the considered view that the relief sought in the present Writ Petition has practically become infructuous and the liability of the petitioner to pay the damages as demanded through the order dated 20.07.2018 is to be adjudicated by the learned appellate Court. As the respondent has already recovered the entire damages amount, the same shall be subjected to the orders to be passed by the learned appellate Court in the pending appeal filed by the petitioner. In case, if the petitioner succeeds in the said appeal, the respondent is liable to refund the entire amount of damages recovered from the petitioner.



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3. Accordingly, this Writ Petition is dismissed. 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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**MUMMINENI SUDHEER KUMAR, J.**

vsm

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