



W.P.(MD) No.12164 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2025

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.12164 of 2017

and

W.M.P.(MD) Nos.9380 and 11513 and 11693 of 2022

M/s.Tristarr Hortitech,
Rep., by its Factory Manager,
Mr.N.Ganesan,
No.23, Sripuram,
Tirunelveli-627 001.

... Petitioner

Vs.

1.The Regional Provident Fund Commissioner,
Employee's Provident Fund Organization,
(Ministry of Labour and Employment,
Government of India),
Sub-Regional Office, Bhavishya Nidhi Bhawan,
N.G.O. 'B' Colony, Tirunelveli-627 007.

2.The Assistant Provident Fund Commissioner,
Employee's Provident Fund Organization,
Sub-Regional Office, Bhavishya Nidhi Bhawan,
N.G.O. 'B' Colony, Tirunelveli-627 007.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the proceedings of



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the second respondent dated 23.06.2017 in File No.TN/TNY/33342/ENF-I/Circle 11/CD-I/T.11/2017 and quash the same.

For Petitioner : Mr.S.Karthik

For Respondents : Mr.K.Muralisankar

ORDER

This writ petition has been filed aggrieved by an order passed under Section 8F of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as “the Act, 1952”) in File No.TN/TNY/33342/ENF-I/Circle 11/CD-I/T.11/2017, dated 23.06.2017.

2. This Court, while entertaining the writ petition, by an order dated 30th June, 2017, granted interim stay and the said interim stay is still operating as on date.

3. Mr.K.Muralisankar, learned counsel appearing for the respondents contended that the petitioner has not chosen to file any appeal against the order passed under Section 7A of the Act, 1952 and also got an



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effective alternate remedy of an appeal before the Employees' Provident Funds Appellate Tribunal. He also contended that the petitioner instead of availing the said remedy, directly approached this Court by filing the present writ petition, only questioning the order passed under Section 8F of the Act, 1952.

4. Having confronted with the said situation, learned counsel for the petitioner sought liberty of this Court to avail the remedy of appeal available under Section 7-I of the Act, 1952 and permit the petitioner to file appeal within a period of four weeks, against the order passed under Section 7A of the Act, 1952.

5. Taking into consideration the above, as the petitioner has got an effective alternate remedy available under Section 7-I of the Act, 1952, this Court is not inclined to entertain the writ petition at this stage.

6. Accordingly, this Writ Petition is disposed of permitting the petitioner to avail the remedy of appeal provided under Section 7-I of the



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Employees' Provident Funds and Miscellaneous Provisions Act, 1952 against the order dated 24.05.2017 within a period of four weeks from the date of receipt of a copy of this order and if the petitioner files any such appeal, the same shall be entertained by the Appellate Tribunal without reference to the period of limitation. The interim order granted by this Court shall continue to be in operation for a period of six weeks from today. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

25.02.2025

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

ABR



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To

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Government of India),
Sub-Regional Office, Bhavishya Nidhi Bhawan,
N.G.O. 'B' Colony, Tirunelveli-627 007.
2. The Assistant Provident Fund Commissioner,
Employee's Provident Fund Organization,
Sub-Regional Office, Bhavishya Nidhi Bhawan,
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MUMMINENI SUDHEER KUMAR, J.

ABR

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