



W.P(MD)No.16430 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

Writ Petition(MD)No.16430 of 2022

and

W.M.P(MD)No.11864 of 2022

Subramani

.. Petitioner

Vs

1.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
No.16, R.S. Road,
Bava Lodge Building,
Nagal Nagar,
Dindigul - 624 003.

2.The Enforcement Officer,
Division M.15,
District Office,
Dindigul,
Dindigul District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records on the file of the first respondent pertaining to its Dairy No.39 of 2021 File No.MD/MDU/1620094/7A/M-15/2022-2023 dated 17.06.2022 and to quash the same.



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For Petitioner : Mr.S.C.Herold Singh

For Respondent : Mr.A.John Xavier
Standing Counsel

ORDER

1. The petitioner challenges the order dated 17.06.2022 passed by the first respondent, by which the petitioner was directed to remit a sum of Rs.11,29,481/- towards dues under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

2. The proceedings were initiated by the first respondent under Section 7A(1)(b) of the Act on the basis of an inspection conducted by an Inspector appointed under Section 13 of the Act. The Inspector inspected the petitioner's establishment on 18.10.2019 and submitted an inspection report stating that the petitioner had failed to remit the required contributions towards the Employees' Provident Fund, Employees' Pension Fund, and Employees' Deposit Linked Insurance Fund, along with the administrative charges relating to the Employees' Provident Fund and Employees' Deposit Linked Insurance Scheme, for the period from July 2017 to September 2019.



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3. Though notice was issued to the petitioner by the respondent to participate in the enquiry, the petitioner failed to appear, resulting in the passing of the impugned order.

4. This Court, by order dated 03.08.2022, granted interim stay of the impugned order on the condition that the petitioner deposit a sum of Rs.6,00,000/-. In compliance with the said interim order, the petitioner has deposited the sum of Rs.6,00,000/- with the first respondent.

5. The petitioner contends that the inspection was conducted by the Inspector in their absence. According to the petitioner, the number of workers employed in the establishment has been overstated in the inspection report. The petitioner submits that only 20 workers are employed in the establishment and that additional workers are engaged only during exigencies. However, the Inspector is stated to have conducted the inspection during such exigency and reported a higher number of workers.

6. The question as to whether the petitioner had employed only 20 workers or more than 20 workers during the relevant period is a



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matter that requires determination by the first respondent after affording an opportunity of hearing to the petitioner.

7. In the present case, the impugned order has been passed without the participation of the petitioner in the enquiry. If the order is sustained, the petitioner would suffer monetary prejudice. On the other hand, no prejudice would be caused to the respondents if the enquiry is conducted afresh after providing the petitioner with an opportunity of hearing.

8. In view of the above circumstances, the impugned order is liable to be set aside.

9. Accordingly, the Writ Petition is allowed and the impugned order in Diary No.39 of 2021, File No. MD/MDU/1620094/7A/M-15/2022-2023 dated 17.06.2022 passed by the first respondent is set aside. The first respondent is directed to initiate proceedings afresh under Section 7A(1)(b) of the Act and pass appropriate orders in accordance with law after affording the petitioner an opportunity of hearing. The amount of Rs.6,00,000/- deposited by the petitioner shall be subject to the outcome of the fresh proceedings to be conducted by the first respondent. The first respondent shall complete



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the enquiry within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

03.03.2026

NCC : Yes/No

Index : Yes/No

Internet:Yes

skn

To

1.The District Collector,
Sivagangai District,
Sivagangai District.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.



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HEMANT CHANDANGOUDAR, J.

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