



W.P.(MD) No.29412 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2026

CORAM

THE HONOURABLE MR.JUSTICE K.SURENDER

W.P.(MD) No.29412 of 2023

and

W.M.P.(MD) Nos.25365 & 25366 of 2023

M/s.Noorul Islam Centre for Higher Education,
Rep. by its' Chancellor,
Kumaracoil, Thuckalay,
Kanyakumari District - 629 180.

... Petitioner

Vs.

1.The Regional Provident Fund Commissioner-II,
Employees Provident Fund Organization,
Regional Office, 65 -A, Water Tank Road,
Nagercoil - 629 001.

2.The Branch Manager,
State Bank of India,
Distillary Road, Vadasery,
Nagercoil - 629 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the first respondent in No.TN/NGL/Enf/C-31/29372/8F/2023-24, dated 26.10.2023 and quash the same and consequently direct the first respondent to forbear from taking recovery proceedings based on the order of the first respondent in No.TN/NGL/Enf/C-31/7A



W.P.(MD) No.29412 of 2023

Order/29372/D.No.159/2023, dated 18.08.2023, till the Central Government Industrial Tribunal-cum-Labour Court, Chennai, passes orders on admission and stay application in EPFA No.155/2023.

For Petitioner : No appearance
For R1 : Mr.M.Mahaboob Athiff
Standing Counsel
For R2 : Mr. J.Alaguraam Jothi

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 26.10.2023 in No.TN/NGL/Enf/C-31/29372/8F/2023-24 on the file of the first respondent, quash the same and consequently direct the first respondent to forbear from initiating recovery proceedings pursuant to the order passed in No.TN/NGL/Enf/C-31/7AOrder/29372/D.No. 159/2023 dated 18.08.2023, until the Central Government Industrial Tribunal-cum-Labour Court, Chennai, passes orders on the admission and stay application in EPFA No.155/2023.

2. This Court, by order dated 12.12.2023, has passed the following interim order in this Writ Petition:



WEB COPY



W.P.(MD) No.29412 of 2023

Considering the fact that the Employees Provident Fund Appellate Tribunal is not presided over by a Regular Officer and an In-charge Officer from Lucknow is taking up the cases, this Court is inclined to pass the following order:

"(i) The petitioner has filed an appeal in time and it has been numbered as EPFA No.155 of 2023. Along with the appeal, the petitioner has filed an application seeking waiver of the pre-deposit as contemplated under Section 7-O of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. The said application is yet to be considered. By way of notice, dated 29.11.2023, all the cases that were posted between 04.12.2023 and 07.12.2023 have been adjourned to 08.01.2024 to 12.01.2024. In the meantime, the present impugned order has been passed under Section 8 F of the EPF Act seeking to effect recovery.

(ii) Considering the above said facts, there shall be an order of interim stay of the impugned order. This interim order will continue to be in force till any orders are passed by the EPF Tribunal under Section 7-O of the Act."

....

3. There is no representation for the petitioner. The learned Standing Counsel for the first respondent and the learned counsel for the second respondent are present.



W.P.(MD) No.29412 of 2023

WEB COPY 4. It is informed that the appeal has been numbered and stay has already been obtained before the Tribunal.

5. In the said circumstances, the cause in the present Writ Petition does not survive, since the issue can be adjudicated before the Tribunal in the appeal. Therefore, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

[K.SURENDER, J.]
25.02.2026

JEN
Index : Yes / No
Neutral Citation : Yes / No



WEB COPY



W.P.(MD) No.29412 of 2023

K.SURENDER, J.

JEN

W.P.(MD) No.29412 of 2023

25.02.2026