

(2011) 04 MAD CK 0090

In the Madras High Court

Case No : Writ Petition No. 8144 of 2008 and M.P. No's. 2 of 2008 and 1 of 2011

R. James

APPELLANT

Vs

The Deputy General Manager, Centre for Applied Research
and Development (CARD) Neyveli Lignite Corporation Ltd.
and The Regional Provident Fund Commissioner

RESPONDENT

Date of Decision : 11-04-2011

Acts Referred:

Citation : (2011) 04 MAD CK 0090

Hon'ble Judges : R. Sudhakar, J

Bench : Single Bench

Advocate : S. Saravana Kumar, for the Appellant; N.A.K. Sharma, for R1 and S. Vaidyanathan, for R2, for the Respondent

Judgement

R. Sudhakar, J.—The writ petition has been filed by the Petitioner to call for the records of the impugned order made in Lr. No.

CARD/DGM/P&A/ Contract/39/2008 dated 04.01.2007 passed by 1st Respondent and quash the same.

2. Heard Mr. S. Saravana Kumar, learned Counsel for the Petitioner and Mr. N.A.K. Sharma, learned Counsel for the first Respondent and Mr.

S. Vaidyanathan, learned Counsel for the second Respondent.

3. According to the learned Counsel for the Employees Provident Fund authority notice u/s 7-A has been issued against the first Respondent and

the Petitioner claimed certain amount and or failure to submit the proper returns it appears that final orders have been passed on 22.07.2007.

Though the first Respondent states that the Petitioner is liable to pay the amount, the Employees Provident Fund authority recovered the amount

from the first Respondent and consequent thereupon the first Respondent has

issued a letter to the Petitioner for recovery of the amount as realised by the Employees Provident Fund authority from them.

4. The learned Counsel for the Petitioner points out that the letter dated 25.3.2007 which reads as follows:

We are in receipt of your letter cited above and wish to submit the following. We have recovered the EPF amount from the workers and also

remitted the EPF amount and furnished necessary annual return along with EPF remittance evidences (Challan) to RPFC office, Trichy. The EPF

amounts were remitted vide the code No. 10719/AB under the name of unit B&C & Fertilizer Plant No. 5694/CR.

We hereby submit that we could not trace out the 10 Years back records, at the distance of time.

However, we are trying our best and if available, we will send the copies if any, in due course.

Thanking you,

5. In view of the above, the writ petition has no legal basis. It is for the Petitioner to establish that he has already settled the Provident Fund dues or

that he is under no obligation under law to pay the dues. In any event, it is for the Petitioner to establish that after receipt of the order passed by the

competent authority, he has taken necessary steps to discharge the liability or challenge the demand. Without doing so, the Petitioner is not entitled

to challenge the letter of the first Respondent. This letter is issued consequent upon the final order passed by the second Respondent u/s 7-A of the

Act and Petitioner has to challenge the same as per law.

6. The writ petition challenging the letter has no legal basis and the Petitioner is directed to approach the Employees Provident Fund

authority/second Respondent with regard to their plea of discharge as undertaken in the letter dated 25.03.2007 referred to above. The writ

petition has to fail for not pursuing the proper remedy.

7. This writ petition is disposed of as above. No costs.