

W.P.(MD)No.16952 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.04.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.16952 of 2022

Shawn Security Force,
Rep by Managing Partner,
No.10-15(1), Vijayanagari,
Chanthaiyadi Post, Kanyakumari District. ... Petitioner

vs.

1.The Regional PF Commissioner-II,
Employees Provident Fund Organization,
Sub Regional Office, Water Tank Road,
Nagercoil 629 001, Kanyakumari District.

2.The Assistant Provident Fund Commissioner /
Recovery Officer,
Employees Provident Fund Organization,
Sub Regional Office, Water Tank Road,
Nagercoil 629 001, Kanyakumari District.

3.The General Manager,
BSNL, Thoothukudi, Thoothukudi District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 3rd respondent to pay a sum of Rs.11,53,394/- being the employer contribution payable by the 3rd respondent directly to the 1st and 2nd respondent so as to satisfy the



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claim made by the 1st and 2nd respondents by communication, dated 11.05.2022 thereby, reducing the burden of the petitioner in making payment by considering the representation of the petitioner dated 29.06.2022.

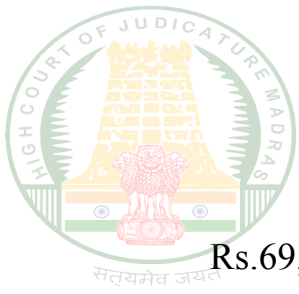
For Petitioner :Mr.S.C.Herold Singh
For R1 and R2 :Mr.A.John Xavier
For R3 :Mr.D.Shanmugaraja Sethupathy

ORDER

The petitioner is before this Court seeking issuance of a Writ of Mandamus directing the third respondent to pay a sum of Rs.11,53,394/-, being the employer's contribution payable by the third respondent directly to respondents 1 and 2.

2.Heard Mr. S.C. Herold Singh, learned counsel for the petitioner; Mr. A. John Xavier, learned counsel for respondents 1 and 2; and Mr. D. Shanmugaraja Sethupathy, learned counsel for the third respondent.

3.An order under Section 7A was passed on 20.10.2021 by the second respondent, wherein the petitioner was directed to pay a sum of



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Rs.69,01,072/- towards Employees Provident Fund, Employees Pension Fund, Insurance Fund contributions, and Employees Provident Fund and Employees' Deposit Linked Insurance administrative charges.

4.The petitioner claims that manpower was supplied to the third respondent as per the terms of the contract and, despite such supply of manpower, the third respondent failed to pay the arrears of employer's contribution.

5.The said fact is not disputed by the third respondent. The petitioner has already paid a sum of Rs.54,55,039/- and is still in arrears of Rs.14,46,033/-. The third respondent has withheld payment of Rs. 11,17,600/- on the ground that the petitioner had not deposited the employees' contribution before the competent authority. The petitioner contended that, due to financial constraints, the entire amount could not be deposited before the competent authority and that it would suffice if the third respondent is directed to deposit Rs.11,17,600/- before the first respondent, while the balance amount of Rs.3,28,433/- would be deposited by the petitioner within a time frame to be fixed by this Court.



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6. In view of the above, the writ petition stands disposed of with a direction to the third respondent to deposit a sum of Rs.11,17,600/- in Provident Fund Account No. MD/ML/79064 before the first respondent within a period of two weeks from the date of receipt of a copy of this order, and the balance amount of Rs.3,28,433/- shall be deposited by the petitioner within six weeks from the date of receipt of a copy of this order.

7. There shall be no order as to costs.

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

21.04.2026

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HEMANT CHANDANGOUDAR, J.

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