

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.541 of 2017

M/s TRIP GO TRIP TOURISM PVT.LTD.,
rep.by its Managing Director
No.19/1, Shreyas, 7th Street
Tatabad
Coimbatore 641 012 .. Petitioner

-vs-

1. The Presiding Officer
Employees Provident Fund
Appellate Tribunal
Bengaluru
2. The Asst. Provident Fund Commissioner
Dr.Balasundaram Road
Coimbatore 641 018 ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in Appeal No.A/TN-117/2016 dated 20.12.2016 and quash the same and consequently directing the first respondent to condone the delay and take the appeal for admission on merits within time limit fixed by this Hon'ble Court.

For Petitioner :: Mr.S.Gunalan

ORDER

The present writ petition is directed against the impugned order passed by the Employees' Provident Fund Appellate Tribunal, Bengaluru in Appeal No.A/TN-117/2016 dated 20.12.2016, by which the Employees' Provident Fund Appellate Tribunal, refusing to entertain the appeal against the order No.TN/RO/CBE/87735/ENF/CC-14/2015 dated 15.5.2015 passed under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act 1952 by the Assistant Provident Fund Commissioner, Coimbatore, has dismissed the appeal on the ground that the petitioner has approached the Tribunal with a huge

delay of 520 days, instead of within 60 days as per Rule 7(2) of the Employees' Provident Fund Appellate Tribunal (Procedure) Rules, 1997, without showing sufficient cause for condoning the delay.

2. Heard the learned counsel for the petitioner.

3. This Court also is not able to find any sufficient cause to interfere with the impugned order. The reason is that the first respondent has rightly indicated that after the order was passed by the Assistant Provident Fund Commissioner, Coimbatore on 15.5.2015 under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act 1952, within 60 days, the appeal ought to have been filed by the petitioner, failing which, within another sixty days, the appeal could have been filed along with the delay application. But in the present case, as the petitioner has miserably failed to file the appeal within the period of limitation as mentioned above, finding no explanation or sufficient cause, the order of the Appellate Tribunal refusing to entertain the appeal, in my considered opinion, cannot be found fault with. Accordingly, the writ petition is dismissed, finding no infirmity with the impugned order. Consequently, W.M.P.No.572 of 2017 is also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ss

To

1. The Presiding Officer
Employees Provident Fund
Appellate Tribunal Bengaluru
2. The Assistant Provident Fund Commissioner
Dr.Balasundaram Road
Coimbatore 641 018

+1cc to Mr.S. Gunalan, Advocate, S.R.No.2172

ca(CO)

md(27/01/2017)

W.P.No.541 of 2017